



Metropolitan Transportation Authority

March 2023

MTA Board Action Items



MTA Board Meeting

**2 Broadway
20th Floor Board Room
New York, NY 10004**

**Wednesday, 3/29/2023
10:00 AM - 12:00 PM ET**

1. PUBLIC COMMENT PERIOD

2. APPROVAL OF MINUTES

MTA and MTA Agencies Regular Joint Committee and Board Meeting Minutes - February 23, 2023

MTAHQ

NYCT/MaBSTOA/SIRTOA/MTA Bus Company

MTA Metro-North Railroad

MTA Long Island Rail Road

MTA Triborough Bridge and Tunnel Authority

MTA Construction & Development

MTA and MTA Agencies Regular Joint Committee and Board Meeting Minutes - February 23, 2023 - Page 4

3. PRESENTATIONS

4. COMMITTEE ON CAPITAL PROGRAM

C&D Procurement Report

C&D Procurements - Page 17

5. COMMITTEE ON METRO-NORTH RAILROAD & LONG ISLAND RAIL

Action Item

i. Grand Central Madison Terminal Rules of Conduct

Grand Central Madison Terminal Rules of Conduct - Page 25

LIRR Procurement Report

LIRR Procurement - Page 38

6. COMMITTEE ON NYCT & BUS

NYCT & Bus Procurement Report

Procurement Staff Summary - Page 45

7. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS (no items)

8. COMMITTEE ON FINANCE

Action Items

i. All-Agency Annual Procurement Report, 2022 (Report Available in the Exhibit Book, Directors Desk Document Center and MTA.Info)

Annual Procurement Report Staff Summary (Report Available in the Exhibit Book and MTA.Info) - Page 53

ii. Board Authorization to File for and Accept Federal Grants

Board Authorization to File for and Accept Federal Grants - Page 54

MTAHQ Procurements Report

MTAHQ Procurements Report - Page 61

i. Competitive Procurements

MTAHQ Competitive Procurement - Page 65

Information Item

i. All-Agency Prompt Payment Annual Report

2022 MTA Prompt Payment Annual Report - Page 68

Real Estate Items

i. Real Estate Agenda and Staff Summaries

Real Estate Agenda and Staff Summaries - Page 70

9. COMMITTEE ON CORPORATE COMPLIANCE

Action Items

i. Procurement Guidelines (Guidelines available in the Exhibit Book)

Staff Summary Procurement Guidelines - Page 97

ii. Code of Ethics Revisions March 2023 (Code Revisions available in the Exhibit Book)

Staff Summary Code of Ethics March 2023 - Page 100

iii. Mission Statement and Performance Measurement Report (Report available in the Exhibit Book)

Staff Summary Mission Statement and Measurement Report - Page 102

iv. Revisions to Rules of Conduct Governing Firearms and Weapons (Rules available in the Exhibit)

Staff Summary Revisions of Rules of Conduct Governing Firearms and Weapons - Page 103

10. FIRST MUTUAL TRANSPORTATION ASSURANCE CO (FMTAC) (no items)

**Joint Minutes of the
Metropolitan Transportation Authority,
the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating
Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan
Suburban Bus Authority, the Triborough Bridge and Tunnel Authority,
the Long Island Rail Road Company, Metro-North Commuter Railroad Company,
MTA Construction and Development Company, the MTA Bus Company and
the First Mutual Transportation Assurance Company
Regular Board Meeting
2 Broadway
New York, NY 10004
Thursday, February 23, 2023
10:00 a.m.**

The following Board Members were present (**Attended remotely*):

**Hon. Janno Lieber, Chair & CEO
Hon. Andrew Albert
Hon. Jamey Barbas
Hon. Samuel Chu
Hon. David Jones
Hon. Blanca Lopez
Hon. David Mack*
Hon. Isabel Midori Valdivia Espino
Hon Frankie Miranda
Hon. Harold Porr, III
Hon Sherif Soliman
Hon Lisa Sorin
Hon. Elizabeth Velez
Hon. Neal Zuckerman**

The following alternate non-voting members were present:

**Hon. Gerard Bringmann
Hon. Norman Brown
Hon. Randolph Glucksman*
Hon. John Samuelsen
Hon. Vincent Tessitore, Jr.**

The following member was absent:

**Hon. Frank Borelli, Jr.
Hon. Michael Fleischer
Hon. Haeda B. Mihaltses**

Paige Graves, General Counsel, Lisette Camilo, Chief Administrative Officer, Kevin Willens, Chief Financial Officer, Patrick Warren, Chief Safety and Security Officer, Richard Davey, President, NYCTA, Frank Annicaro, Acting Chief Operating Officer, NYCT and Acting President, MTA Bus Company, Catherine Rinaldi, President, Metro-North Railroad/LIRR Interim President, Daniel DeCrescenzo, President, TBTA, Jamie Torres-Springer, President, MTA C&D, Chris Pangilinan, Vice President, Paratransit, Hugo Pizzaro, Chief People Officer, Jaibala Patel, Chief, Office of the CFO, Shanifah Rieara, Senior Advisor for Communications and Policy/Interim Chief Customer Officer, Cate Contino, Director Special Projects & Strategic Initiatives also attended the meeting.

The Board of the Metropolitan Transportation Authority also met as the Boards of the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan Suburban Bus Authority, the Triborough Bridge and Tunnel Authority, the Long Island Rail Road Company, Metro-North Commuter Railroad Company, the MTA Construction and Development Company, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

Unless otherwise indicated, these minutes reflect items on the agenda of the Board of the Metropolitan Transportation Authority, the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan Suburban Bus Authority, the Triborough Bridge and Tunnel Authority, the Long Island Rail Road Company, Metro-North Commuter Railroad Company, the MTA Construction and Development Company, and the First Mutual Transportation Assurance Company.

Chair Lieber called to order the February 2023 Board meeting.

General Counsel Paige Graves confirmed a quorum of the Board members in attendance.

Chair Lieber noted the Board Members joining the meeting remotely.

A recorded audio public safety announcement was played.

1. PUBLIC SPEAKERS' SESSION.

The MTA Moderator announced that the following public speakers will speak either live virtually or in-person.

The MTA Moderator reminded public speakers of the rules of conduct and the two-minute speaking limit. The Moderator reminded speakers of the warning beep when 30 seconds remain to conclude their remarks. The Moderator advised that the public comments will be recorded, published to the MTA website, and available for MTA Board Members' review.

The following public speakers commented (*live virtual comments):

Jean Ryan, President, Disabled In Action (DIA)

Christopher Greif, private citizen

Joseph Morales, private citizen

Sally Wolf, private citizen*
Miriam Fisher, Northshore Child Development*
Shawn Hill, Harlem Neighborhood Block Association*
Lisa Daglian, Executive Director, PCAC
Michael Ring, Disabled In Action
Joe Rappaport, Brooklyn Center for Independence of the Disabled (BCID)
John Maier, Civics United for Environmental Resolutions
Rachel Fauss, Reinvent Albany*
Aleta Dupree, private citizen*
Bruce Hain, private citizen
Charlton D'Souza, President, Passengers United
Andrew Sparberg, private citizen*
Jesse Figueroa, private citizen*
Lucy Koteen, private citizen*
Jeanine Hays, private citizen*
Tashia Lerebours, private citizen
Jason Anthony, Amazon Labor Union
Therem Barnett, private citizen*
Murray Bodin, private citizen*
Jasmine Smith, private citizen*
K.K. Graham, private citizen*

Refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the content of speakers' statements.

2. CHAIR LIEBER'S REMARKS.

Chair Lieber thanked everyone for joining this month's meeting and he thanked the public speakers for their comments.

Chair Lieber stated that the MTA is making real progress on many of the most important issues, especially the push for long-term solutions to its fiscal challenges, the necessity to deliver top-tier service, to address issues of crime and safety in the subway system, the challenge of completing major projects and the entire transformational MTA Capital Program.

Chair Lieber stated that, with respect to the MTA's finances, the legislative session in Albany is underway, and the MTA's financial situation is very much at the top of the agenda. The Chair stated that later in the meeting Chief Financial Officer Kevin Willens will discuss the February Financial Plan, which has been updated from November to reflect Governor Hochul's Executive Budget Proposal, which is what the MTA was waiting for when the Board adopted the budget in December. Chair Lieber noted that there is no Board action required today given the procedural posture that the MTA is in waiting for Albany to adopt the Governor's budget, which, if approved, will have a major and very positive impact on the MTA.

Chair Lieber stated that the MTA staff worked on the proposal with the Governor's team for weeks, and he believes the plan is great. The Chair stated that the Governor has refused to kick the can down the road any longer and instead has decided to address the MTA's fiscal cliff head on, using a balanced approach while also supporting the priorities that the Board has set out, which is to preserve safe and frequent subway, bus and commuter rail services, and support what the MTA believes to be an improving Paratransit operation.

Chair Lieber stated that the first element of the Governor's strategy is to get the MTA to generate savings -- \$400 million in cost efficiencies, and tighten its belt without reducing services, plus an additional \$100 million that the MTA is being asked to raise with a moderate fare and toll increase. The Chair stated that the MTA is starting the public process now to prepare for the implementation of a toll increase, which is not an action on the transit fare, just tolls for now. Chair Lieber stated that the MTA will need to take some steps under the State Administrative Procedure Act to be ready on the toll front in case that is indeed part of the final NYS budget. The Chair stated that the remainder of the funds will come from a few sources:

- Moderate adjustment to the existing Payroll Mobility Tax that will only affect the top five percent of companies in terms of size and payroll and will raise \$800 million a year starting in 2024.
- The realignment of some outdated cost-sharing arrangements with the City of New York on Paratransit and on the school bus and subway pass program.
- A near term, one-time infusion of State General Fund resources to address this year -- the 2023 deficit.
- Longer-term, the dedication of a significant portion of future casino taxes and revenues to mass transit.

Chair Lieber stated that he was in Albany last week and based on meetings with legislative leadership he can confirm that there is real momentum right now, with many members focusing on transit. There is a robust discussion that is unfolding on all sides, and the MTA appreciates that there is enthusiasm and interest, and a range of views as with any major issue that comes to the Legislature. Chair Lieber stated that even though he believes things are headed in a positive direction, the MTA must continue to be prepared for all outcomes.

Chair Lieber stated that unfortunately the MTA will have to be prepared if the Legislature does not follow Governor Hochul's lead and the agency is forced to significantly cut service. Accordingly, Chair Lieber stated that he has asked the operations planning teams to update the plan that was developed during the pandemic to deal with this scenario in case the Governor's plan is rejected or significantly scaled back.

Chair Lieber stated that reducing service is obviously the last thing the MTA is looking to do, especially at a time when the operating agencies -- NYCT, LIRR and MNR -- are setting records for on-time performance (OTP) and customer satisfaction.

January was one of the best months on record for the subways, with weekday OTP of almost 86%—the highest in 10 years. Weekend OTP is north of 87%—second only to February

2020 at the outset of the COVID pandemic, and overall service delivered was over 96% -- just a hair's breadth short of the 2019 average of 96.6%. Chair Lieber stated that thanks to the amazing team at subways and President Rich Davey's leadership at NYC Transit, the MTA is making a lot of progress on getting the system we all want and expect back in action.

With respect to Buses -- service delivery, speeds, and OTP, Chair Lieber stated that the metrics are all heading in the right direction, led by the Bronx, as discussed earlier in the week, where the local bus network redesign has had real positive impacts on speeds and overall performance.

Chair Lieber stated that the commuter railroads have been fantastic. After a record-breaking 96% OTP in 2022, LIRR had its best January ever, and Metro-North was even stronger in January at 98.3%. The Chair commended Robert Free, Senior Vice President, Operations, LIRR and Justin Vonashek, Senior Vice President, Operations, MNR, who under President Rinaldi's leadership, are responsible for the daily operations.

Chair Lieber stated that the MTA has received unprecedented customer satisfaction with the Access-A-Ride Paratransit service. On-time performance for primary service -- the blue and white vans -- increased from 90% in September 2021 to 98% in January of 2023, and the broker service -- the for-hire vehicles, formerly referred to as liveries, representing 70% of the total Paratransit rides -- has moved up to 95%, which the Chair stated is significant progress.

Chair Lieber stated that the MTA's performance has been reflected in the Customer Surveys and satisfaction in January hit an all-time high of 76%. The Chair stated that he respects the point that maybe the agency should look at the methodology of the surveys to make sure it is capturing everybody, which is a fair point. However, Chair Lieber stated that the movement has been so great that you must take notice of the positive trend because in the not-so-distant fall of 2021 --18 months ago, only 44% using the same methodology told the MTA that they were satisfied. The Chair stated that the satisfaction number has moved to 76% and the agency should recognize and credit the people who made that happen.

Chair Lieber stated that, in fact, customer satisfaction across the entire MTA is on the upswing, as was reported in the large bi-annual survey on Tuesday, presented by Shanifah Rieara, Senior Advisor for Communications and Policy/Interim Chief Customer Officer, that received 65,000 responses:

- Metro-North satisfaction 89%.
- LIRR 81%.
- Buses 64%.
- Subways jumped 6 points, more than 10% over the previous spring survey to 54%.

Chair Lieber noted that the surveys were done in the fall before the Governor's and Mayor's initiative on subway safety and based on the Pulse Surveys, which are more frequent albeit smaller survey populations, the initiative has had a tremendous impact on the customers' perception of safety and service in the system. The Chair stated that the agency went in a single month from 40% of the people saying they felt safe or very safe to 60%, and he believes

that even the positive news reported in the bi-annual survey presented by Shanifah Rieara may understate just how much the agency has moved, in a positive direction, customer perception.

Chair Lieber noted that the agency opened customer service centers at three subway stations, as noted by public speaker Christopher Grief, and is on the path of opening 12 more this year, and the station agents are coming out of the booths. The Chair stated that there is a lot of very positive movement, and he wants the MTA to continue to evolve and improve on customer satisfaction and customer service.

Chair Lieber stated that part of the improvement includes safety. The Cops, Cameras and Care program has been underway for almost four months, and the Chair stated that it has been the safest four months in the NYC subway system on record, except for the very height of COVID when basically nobody was riding, and it is a program that has really made a difference.

Chair Lieber stated that overall this year major crime in the subways is down 20% versus the prior year, and he thanked the Governor and the Mayor for teaming up with the MTA and creating an aggressive program that has had an immediate impact, and that is being noticed by the passengers in just a few short months.

Chair Lieber stated that the MTA is preparing, literally within days, to begin full service on Grand Central Madison and the new LIRR timetables. The new timetables add more LIRR trains per day, providing a systemwide boost, and creating the largest service increase in LIRR history on a percentage basis. Chair Lieber stated that President Rinaldi will provide further details later in the meeting. Chair Lieber stated that there will be bumps in the road as people get accustomed to the new service and the new schedule; however, with the completion of Grand Central Madison, Third Track, Mainline Double Track -- \$15 billion of investment in the last couple of years -- the MTA is able to offer more service, more convenience, more options, and additional connectivity. Chair Lieber stated that bringing LIRR and the City closer is good for NYC businesses that are trying to get workforce to come back to work in some cases, good for the low- and moderate-income workers who depend on those activities in the center of the Central Business District to support restaurants, retail, theatre and culture, and it is good for Long Island businesses as well.

Chair Lieber stated that Long Island businesses, for the first time starting next week, will have the opportunity to recruit people from the full footprint of the region. Previously mass transit reverse peak commuting service was not available for Long Island businesses -- service was very infrequent in the peak hours because all the capacity in the tunnels was inbound into the city. The Chair stated that now service is being provided in the reverse direction -- giving Long Island businesses a huge shot in the arm, and a boost for the regional economy as well.

Chair Lieber stated that he is also proud to announce that the agency is targeting the next batch of subway stations for full ADA accessibility. The Chair stated that it is no secret that the current Capital Program includes as many new ADA stations as the last few capital programs had combined -- 34 stations already under construction, with a total of 67 stations included in the current program.

Chair Lieber stated that he wants the subway map to be the same for people with disabilities, people with strollers, and for people with mobility issues in general, as it is for all other riders, and thanks to the \$5 billion investment in the current capital program, this reality is starting to happen.

Chair Lieber stated that next month the agency plans to issue a Request For a Quote (“RFQ”) for another 17 stations stretched-out across the five boroughs, with 12 of the stations set to be completed by the end of the year. Chair Lieber commended President Jamie Torres-Springer and his team at MTA C&D for really getting in the groove on completing ADA stations. Chair Lieber noted that earlier this week the Board saw what he thought was a fabulous presentation on the construction and planning complexities, but notwithstanding that, the agency is moving ADA accessibility to the top of its agenda, which is super important for all New Yorkers.

Finally, Chair Lieber acknowledged some staffing changes:

Daniel DeCrescenzo, President, MTA Bridges & Tunnels, after three decades at the agency, is retiring, and Chair Lieber thanked President DeCrescenzo for his service and devotion to the MTA. The Chair praised President DeCrescenzo for his spirit, problem solving abilities, teamwork, responsibility, sense of ethics, and leadership, not just on maintaining Bridges and Tunnels, but also by timely addressing complicated new issues like toll evasion that the President took the lead on when it had not been getting enough attention. Chair Lieber stated that it has been an honor working with President DeCrescenzo and provided an account of President DeCrescenzo’s experience and service to the MTA family. On behalf of the MTA Board members and staff, Chair Lieber wished President DeCrescenzo God-speed.

Chair Lieber announced that Catherine Sheridan, Chief of Staff at Construction & Development, will serve as Interim President at MTA Bridges and Tunnels. Chair Lieber stated that before joining MTA Catherine Sheridan was Chief Engineer for the New York State Thruway Authority, had worked at the New York State Canal Corporation and at the New York State Department of Transportation and is an expert highway and bridge engineer. Chair Lieber stated that Catherine Sheridan has agreed to take the reins as Interim President, and that collaboration and transition is already underway.

Chair Lieber also announced that Allison L. C. de Cerreño, MTA Deputy Chief Operating Officer, has been appointed Chief Operating Officer at MTA Bridges and Tunnels, supporting Interim President Catherine Sheridan and for the long-term at Bridges & Tunnels.

Chair Lieber thanked the Board members who he said have been supportive as the agency moved through the process of putting its budget together and framing what has ultimately become a strong collaboration with the Governor’s office to solve the MTA’s fiscal cliff.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Chair Lieber's remarks.

3. FEBRUARY 2023 FINANCIAL PLAN UPDATE.

Chief Financial Officer Kevin Willens presented the February 2023 Financial Plan update.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Kevin Willens' presentation and Board members comments and discussion.

4. LIRR TRANSFORMATIVE SCHEDULE IMPROVEMENTS.

Interim President Catherine Rinaldi presented the transformative improvements to LIRR schedules beginning on February 27, 2023. Shanifah Rieara, Senior Advisor for Communications and Policy/Interim Chief Customer Officer, provided information relating to the customer outreach efforts.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Catherine Rinaldi's and Shanifah Rieara's presentations and Board members' comments and discussion.

5. APPROVAL OF MINUTES.

Upon motion duly made and seconded, the Board approved the Joint Minutes of the MTA and MTA Agencies Regular Board meeting held on January 30, 2023.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records for the details.

6. COMMITTEE ON SAFETY.

A. Action Item.

Upon motion duly made and seconded, the Board approved the following item:

1. 2022 Public Transportation Agency Safety Plans (PTASP) for the New York City Transit Department of Subways and Department of Buses.

Refer to the staff summary and documentation filed with the records of this meeting for the details on this item.

7. MTA BRIDGES AND TUNNELS COMMITTEE.

Chair Lieber advised that there are no items to report for Board approval for MTA Bridges and Tunnels committee. The Chair noted that the B&T Committee approved the 2022 TBTA Operating Surplus Resolution, which is included in the Finance Committee action items for full Board approval.

8. JOINT LONG ISLAND RAIL ROAD/METRO-NORTH RAILROAD COMMITTEE.

A. MNR Procurement Item.

Upon motion duly made and seconded, the Board approved the following item:

Modification of a competitively negotiated miscellaneous service contract in the not to exceed amount of \$7.5 million for the continuation of as-needed Emergency and Scheduled Bus Service awarded to: (1) A Yankee Line, Inc.; (2) Community Coach, Inc.; (3) Greater Bridgeport Transit Authority; (4) Leprechaun Lines, Inc.; and (5) Peter Pan Bus Lines, Inc. The additional funding is required for the continuation of scheduled bus service to support capital projects such as the New Canaan Branch cyclical trackwork and the Moodna Viaduct timber replacement and inspection project, as well as the continuation of supplemental Bridgeport to Waterbury shuttle bus service. The contract modification totaling \$7.5 million will be funded by Metro-North's operating and capital budgets and by CDOT, which will reimburse Metro-North 100% for the cost of bus service on the New Canaan, Danbury, and Waterbury branches.

Refer to the staff summary and documentation filed with the records of this meeting for the details on this item.

9. NEW YORK CITY TRANSIT AND BUS COMMITTEE.

A. Action Item.

Upon motion duly made and seconded, the Board approved the following item:

1. Staff summary authorizing the reduction or elimination of station booth service throughout the subway system, including the elimination of station booth lunch relief.

Refer to the staff summary and documentation filed with the records of this meeting for the details on this item.

B. Procurement Item.

Upon motion duly made and seconded, the Board approved the following item:

1. Modification to a contract with Seon Design (USA) Corp. to extend maintenance services for buses and depots equipped with Bus Camera Security Systems for an additional 11 months in the total amount of \$7,234,190.

Refer to the staff summary and documentation filed with the records of this meeting for the details on this item.

10. AUDIT COMMITTEE.

Upon motion duly made and seconded, the Audit Committee members approved the 2022 Financial Statements.

Refer to the Audit Committee meeting minutes of this date for the details.

11. CAPITAL PROGRAM COMMITTEE.

A. Procurement Item:

Upon a motion duly made and seconded, the Board approved the following item.

1. Approved the award of a modification (No. 228) to the rehabilitation of the Cortlandt Street #1 Line Station contract (CS084) with Judlau Contracting, Inc. to resolve claims for time extension, impacts costs and other issues in the total amount of \$8,675,786.35.

Refer to the staff summary and documentation filed with the records of this meeting for the details on this item.

12. MTA COMMITTEE ON FINANCE.

A. Action Items.

Upon a motion duly made and seconded the Board approved the action items listed below. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

1. Mortgage Recording Tax (“MRT”) – Escalation Payments to Dutchess, Orange and Rockland Counties. Authorized escalation payments to Dutchess, Orange and Rockland counties from available funds on deposit in the MRT-2 Corporate Transportation Account.

2. 2022 TBTA Operating Surplus Resolution. Approved resolutions which will:
 - i. Certify and transfer \$1,184,711,455 operating surplus to the MTA and NYCTA pursuant to Section 1219-a(2)(b) of the Public Authorities Law of the State of New York.
 - ii. Transfer \$3,717,603 representing 2022 investment income to the MTA pursuant to Section 569-c of the Public Authorities Law of the State of New York.
 - iii. Advance the 2022 TBTA Surplus in accordance with the resolution.

B. Procurement Item.

Upon a motion duly made and seconded the Board approved the procurement item listed below. The specifics are set forth in the staff summary and documentation filed with the meeting materials.

1. Approval to extend a miscellaneous service agreement with Cambridge Systematics Inc. for continued hosting, maintenance and support of the Open Trip Planner (“OTP”) application for a period of three years, beginning in February 2023, in the total estimated amount of \$4,188,666.

C. Real Estate Items.

Upon a motion duly made and seconded the Board approved the real estate items listed below. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

Metropolitan Transportation Authority

1. Amendment to the temporary policy for a uniform process for re-negotiating existing leases and licenses.

Metro-North Railroad

2. Conveyance of property interests to Webster Development, LLC at 2760 Webster Avenue (Webster Avenue and East 197th Street, Block 3273, Lot 101) in the Bronx, N.Y. for the development of a 500-unit affordable housing project.

New York City Transit

3. Acquisition of 106-04 Merrick Boulevard, and 166-15 107th Avenue (Block 10164, Lots 90 & 95), in connection with the Jamaica Bus Depot Reconstruction Project, Jamaica, Queens, N.Y.

13. EXECUTIVE SESSION.

Upon motion duly made and seconded, the Board voted to convene an Executive Session, in accordance with Section 105(1)(e), to discuss labor matters.

Upon motion duly made and seconded, the Board voted to reconvene in public session.

14. PUBLIC SESSION RESUMES.

Chair Lieber announced that in Executive Session the Board approved:

1. Collective bargaining agreement between MTA Metro-North Railroad and the International Association of Machinists and Aerospace Workers (IAM).
2. Collective bargaining agreement between the Staten Island Railway, New York City Transit and the American Train Dispatchers Association (ATDA).
3. Collection bargaining agreement between MTA Headquarters and the Transportation Communications Union Local 982 (TCU Local 982).

Board member Frankie Miranda noted for the record that one of the consistent themes since he joined the Board has been focused on efforts to lure people back into the system. However, he stated that he consistently hears from the immunocompromised population who wants to utilize the system but feel like they are unable to safely use the system. Board Member Miranda stated that he would like to have a conversation with President Rich Davey, and he volunteered Board Member Midori Valdivia Espino to join him in that conversation, to address the concerns of the immunocompromised population of people and to try to find equitable solutions that would allow them to safely use the system.

Board Member Gerard Bringmann suggested that there be a more robust public service announcement(s) recommending that masks on the system are strongly encouraged.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Board Members Frankie Miranda’s and Gerard Bringmann’s remarks.

15. ADJOURNMENT.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:43 p.m.

Respectfully submitted,

Susan Sarch
Vice President,
General Counsel and Secretary
Metro-North Railroad

Stephen N. Papandon
Acting Vice President,
General Counsel and Secretary
Long Island Rail Road Company

Mariel A. Thompson
Assistant Secretary
NYCT

David K. Cannon
Assistant Secretary
MTA C&D

Paul Friman
Acting General Counsel
and Corporate Secretary
TBTA

Victoria Clement
Assistant Secretary
MTAHQ

Contracts Department
Steve Plochochi, Senior Vice President

PROCUREMENT PACKAGE
March 2023

PROCUREMENTS

The Procurement Agenda this month includes six actions for a proposed expenditure of \$300M.

Subject Request Authorization to Award Various Procurement Actions					
Contracts Department Steve Plochochi, Senior Vice President					
Board Action					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	3/27/23	X		
2	Board	3/29/23	X		

Date: March 22, 2023			
Internal Approvals			
	Approval		Approval
X	Deputy Chief Development Officer, Delivery	X	President
X	Deputy Chief Development Officer, Development	X	Executive Vice President & General Counsel

Purpose

To obtain the approval of the Board to award several procurement actions and to inform the Capital Program Committee of these procurement actions.

Discussion

MTA Construction & Development proposes to award Competitive Procurements in the following categories:

<u>Schedules Requiring Two-Thirds Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
C. Competitive Requests for Proposals (Award of Purchase/Public Work Contracts)	6	\$ 300,000,000
TOTAL	6	\$ 300,000,000

Budget Impact

The approval of these procurement actions will obligate capital funds in the amount listed. Funds are available in the capital budget for this purpose.

Recommendation

That the procurement actions be approved as proposed. (The items are included in the resolution of approval at the beginning of the Procurement Section.)

MTA Construction & Development

BOARD RESOLUTION

WHEREAS, in accordance with Sections 559, 2879, 1209 and 1265-a of the Public Authorities Law and the All Agency General Contract Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public works contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

WHEREAS, in accordance with the All Agency Service Contract Procurement Guidelines and the All Agency General Contract Procurement Guidelines, the Board authorizes the award of certain non-competitive miscellaneous service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts;

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All-Agency Guidelines for Procurement of Services, the Board authorizes the award of certain service contracts and certain change orders to service contracts.

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.
2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals and authorizes the solicitation of such proposals.
3. As to each request for proposals (for purchase and public work contracts set forth in Schedule C for which a recommendation is made to award the contract), the Board authorizes the execution of said contract.
4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein, and ratifies each action for which ratification is requested.
5. The Board authorizes the execution of each of the following for which Board authorization is required: i) the miscellaneous procurement contracts set forth in Schedule E; ii) the personal service contracts set forth in Schedule F; iii) the miscellaneous service contracts set forth in Schedule G; iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; v) the contract modifications to purchase and public work contracts set forth in Schedule I; vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.
6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

December 2022

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Third Vote:

Schedule C. Competitive Requests for Proposals (Award of Purchase/Public Work Contracts)

(Staff Summaries required for all items greater than \$1M)

- | | | |
|--|---------------------------------------|--------------------------------------|
| 1-6. Multiple Vendors | \$300,000,000 (Est. Aggregate) | <u>Staff Summary Attached</u> |
| Contract Nos. C31392A thru C31392C
and C31393A thru C31393C | | |
| Thirty-Six Months | | |

MTA Construction and Development requests Board approval to award six publicly advertised and competitively solicited indefinite quantity contracts to three firms for the design, construction and repair of structural steel, concrete, masonry, and other miscellaneous components in the five boroughs of New York City. Two contracts will be awarded to each firm, one state-funded and one federally funded. The Contracts are “zero-dollar” based with no minimum guarantee of any assignments.

Staff Summary

Item Numbers 1 - 6

Dept & Dept Head Name: Delivery/Mark Roche, Deputy Chief Development Officer					
Contracts Department: Daniel Tentler, Senior VP & Deputy General Counsel					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	3/27/23	X		
2	Board	3/29/23	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	President		
X	Deputy Chief, Delivery	X	Executive VP & General Counsel		

SUMMARY INFORMATION	
Vendor Name See the list below	Contract Number C31392A thru C31392C (State) C31393A thru C31393C (Federal)
Description Design-Build Services for Indefinite Quantity Repairs of Structural Steel, Concrete, Masonry and other Miscellaneous Components	
Total Amount \$300,000,000 Est. Aggregate	
Contract Term Thirty-Six Months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other	

Purpose/Recommendation

MTA Construction and Development (“C&D”) requests Board approval to award six publicly advertised and competitively solicited indefinite quantity contracts (“Contracts”) to three firms (each, a “Design-Builder”) for design build services for the design, construction and repairs of structural steel, concrete, masonry, and other miscellaneous components within the five boroughs of New York City. Two contracts will be awarded to each firm, one state-funded and one federally funded, with a total estimated aggregate amount of \$300 million over a thirty-six month contract term. The Contracts contain agreed to unit prices for the various types of anticipated repairs but are “zero-dollar” based with no minimum guarantee of any assignments. The selected firms are:

Design-Builders

1. Forte-FOS JV
2. Paul J. Scariano, Inc.
3. Restani Construction Corporation

Contract Numbers

- C31392A (State) / C31393A (Federal)
 C31392B (State) / C31393B (Federal)
 C31392C (State) / C31393C (Federal)

Discussion

The work to be performed under these Contracts includes survey, testing, design, environmental remediation, construction, and installation required to repair structural defects at various New York City Transit (“NYCT”) facilities and locations. More specifically, work includes: (i) the repair or replacement of steel beams, columns, girders, trusses, struts, bracings and connections; (ii) repair of concrete spalls and cracks; (iii) repair or replacement of concrete slabs, walls, beams, toppings and encasements; (iv) repair of wood elements, including canopy timber boards, rafters and mezzanine floorboards; and (v) repair of concrete masonry unit walls and brick walls. Also included is any survey, testing, abatement, transportation, and disposal of hazardous and non-hazardous materials as required to perform the work. The work under these Contracts will be performed on an as-needed work order basis. Specific work requirements for a project will be defined in the scope of work for each work order that can be issued competitively among the Design-Builders or issued directly. Work orders can be issued up to the total estimated aggregate budget amount of \$300 Million.

Staff Summary

Item Numbers 1 - 6

Page 2 of 3

Combining the state and federally funded requirements into one solicitation creates a more efficient procurement process and results in the three Design-Builders being retained to perform all services, regardless of the funding source.

A one-step procurement process was conducted for the Contracts. A Request for Proposal (“RFP”) was advertised requesting the submission of technical and cost proposals. The following four entities submitted proposals:

- Forte-FOS JV (a joint venture between Forte Construction Corporation and FOS Development Corporation) (“Forte-FOS”)
- J-Track, LLC (“J-Track”)
- Paul J. Scariano, Incorporated (“PJS”)
- Restani Construction Corporation (“Restani”)

The selection committee, consisting of representatives from C&D’s Contracts and Delivery Departments, and NYCT’s Infrastructure Engineering Department, first reviewed the written technical proposals and held virtual oral presentations which were evaluated utilizing the selection criteria set forth below listed in relative order of importance:

- Survey, Design & Construction (Strategies for efficient scope delivery)
- Schedule (Approaches and strategies to maintain schedule and effective use of Railroad Support Services)
- Management Plan (Demonstration of plans for work phases including survey, design, construction, and close-out)
- Relevant Experience (Past projects, organizational structure, general business experience, and stability)
- Record of Performance (Record of performance on other governmental and non-governmental contracts, including the delivery of similar projects on time and within budget.)
- Safety and Quality (Evaluation on safety record (lost time, EMR, etc.), other quality violations, and proposers’ safety, quality control and quality assurance plan for this project.)
- Diversity Practices (Evaluation of proposers’ goals plans to meet the DBE, M/WBE, and SDVOB goals)
- Other Relevant matters

Based on its review of the technical proposals, all four proposers were deemed technically qualified by the selection committee. The selection committee next opened and reviewed the Proposers’ price proposals consisting of one-hundred forty-one unit price payment items. Review of the unit price payment items revealed that all four Proposers had portions of their pricing submissions exceeding C&D’s estimates to a degree that would have precluded using those unit price payment items in a work order. The selection committee subsequently invited all four proposers in for discussions to identify factors, such as perceived risks and assumptions, that were causing the unit price payment items to be higher than anticipated. Following these discussions, a post-proposal Addendum was issued to all Proposers addressing their concerns resulting in each firm submitting a revised price proposal.

After reviewing the revised price proposals, the selection committee determined that Forte-FOS, PJS, and Restani were in the competitive range and were invited to participate in negotiations. The selection committee decided to eliminate J-Track from further consideration because their revised proposal contained price increases across most unit price payment items which were significantly higher than the other proposers, making them uncompetitive.

Negotiations with the remaining three firms focused on strategies to further reduce their pricing. At the conclusion of the negotiations, all three firms submitted a Best and Final Offer (“BAFO”). After review, the selection committee unanimously determined to accept all three BAFO’s and award contracts to Forte-FOS, PJS, and Restani as their proposals offered the best value to MTA.

The selected proposers demonstrated comprehensive knowledge of the work requirements under this contract along with possessing the necessary experience required and identified potential challenges with solutions to matters specific to the NYCT system. Additionally, all assigned key personnel submitted by each proposer reflected the requisite qualifications and experience.

In connection with a previous contracts awarded to PJS, PJS was found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman and Chief Executive Officer in consultation with the MTA General Counsel in February 2016. No new significant adverse information has been found relating to PJS and PJS has been found to be responsible.

D/M/WBE/SDVOB Information

The MTA Department of Diversity and Civil Rights (“DDCR”) has established a Disadvantage Business Enterprise (“DBE”) goal of 22.5% for the federally funded contracts and a Women Owned Business Enterprise (“WBE”) goal of 15%, a Minority Owned Business Enterprise (“MBE”) goal of 15% and a Service-Disabled Veteran-Owned Business (“SDVOB”) goal of 6% for the state funded contracts. Although these are design-build contracts with some undefined scope, all three selected proposers are committed to meeting the required goal requirements and their utilization plans are under review.

Forte-FOS and PJS have achieved their goals on recent projects. Restani has achieved their goals on prior projects as well as demonstrated good faith efforts on achieving goals on recent projects.

Impact on funding

C31392A through C31392C will be with state funds and C31393A through C31393C will be primarily federally funded. These Contracts are all “zero-dollar” based, and therefore funds will be provided on a work order basis by the capital project requiring these services.

Alternatives

That C&D self-perform the services to be provided under these Contracts. This is not recommended as C&D lacks the in-house resources to provide the required services.



Grand Central Madison Concourse Operating Company

Staff Summary

Subject
Grand Central Madison Terminal Rules of Conduct
Department
Office of the President
Department Head Name
Rob Troup
Department Head Signature
<i>RT</i>
Project Manager/Division Head
Joseph Christen

Date
March 29, 2023
Vendor Name
N/A
Contract Number
N/A
Contract Manager Name
N/A
Table of Contents Ref #
N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	RR Committee				
2	Board				

Internal Approvals					
Order	To	Date	Approval	Info	Other
1	Corporate Compliance	3.15.23	<i>[Signature]</i>		
2	SVP	3/15/2023	<i>[Signature]</i>		
3	Legal	3/10/23	<i>[Signature]</i>		
4	President	3/15/23	<i>RT</i>		

Purpose:

To obtain Board approval for MTA Grand Central Madison Concourse Operating Company's ("GCMC") permanent adoption of the rules (the "Rules") governing the conduct and safety of the public in its use of the new Grand Central Madison Terminal ("GCM Terminal").

Discussion and Background:

In January 2023, the GCM Terminal opened to the public, extending Long Island Rail Road service directly into the new 8 track terminal and concourse located below the existing Grand Central Terminal ("GCT"). To ensure the safety of the public, the preceding month, GCMC submitted a Notice of Emergency Adoption and Proposed Rule Making in accordance with the requirements of the New York State Administrative Procedures Act ("SAPA"). That Notice sought the immediate temporary adoption of the Rules and the requisite publication of the Rules in the New York State Register.

The Rules for GCM Terminal are substantially similar to those that Metro-North Commuter Railroad has in place for public use of GCT. Both rules seek to ensure proper use of the agency's space, the protection of the public while using the space, and compliance with applicable legal requirements.

GCMC has not received any public comments or objections to the Rules since they were published in December 2022 in accordance with the SAPA requirements.

Recommendation:

That the Board execute the Resolution attached as Attachment A, which approves the Rules in their current form and allowing for their permanent adoption by the GCMC. A copy of the Rules is included in Attachment A.

ATTACHMENT A

BOARD RESOLUTION

WHEREAS, pursuant to Section 1266(5) of the Public Authorities Law, on December 22, 2021, the Metropolitan Transportation Authority created the public benefit corporation subsidiary agency known and MTA Grand Central Madison Concourse Operating Company (“GCMC”);

WHEREAS, pursuant to Sections 1266(4) and 1266(5) of the Public Authorities Law, on December 22, 2022, GCMC properly and duly filed a Notice of Emergency Adoption and Proposed Rule Making, seeking to publish and temporarily adopt a set of rules governing the conduct and safety of the public in the use of the new Grand Central Madison Terminal (the “Rules”), a copy of which is attached to this Resolution as Exhibit A;

WHEREAS, the Rules were published in Issue 2 of the New York State Register on January 11, 2023, under Rule Number MTA022300018;

WHEREAS, the public comment period has since elapsed and GCMC has not received any public comments or objections to the published Rules; and

WHEREAS, GCMC now seeks for the MTA Board to approve and authorize the GCMC to adopt the Rules for permanent use by GCMC;

NOW, upon motion duly made and seconded, the Board hereby resolves as follows:

1. The Rules are approved and adopted for permanent use by GCMC.
2. The Chair, or his designated staff, be, and each of them hereby is, authorized to take such action to execute and file any such documents as may be necessary to conclude the rulemaking process and carry out this Resolution.

Dated: New York, New York
March 29, 2023

EXHIBIT A

MTA Grand Central Madison Concourse Operating Company Rules and Regulations

PART 1041. RULES GOVERNING THE CONDUCT AND SAFETY OF THE PUBLIC IN THE USE OF THE FACILITIES OF THE GRAND CENTRAL MADISON CONCOURSE OPERATING COMPANY

§ 1041.1 Authorization and Purpose

- (a) MTA Grand Central Madison Concourse Operating Company (“GCMC”) is a public benefit corporation and a subsidiary of the Metropolitan Transportation Authority. As such, GCMC is empowered by the New York State Public Authorities Law to make rules and regulations governing the conduct and safety of the public in the use and operation of its terminal. Public Authorities Law, sections 1265(5) and (14); and 1266(4) and (8).
- (b) GCMC promulgates the rules set forth below to promote safety, to facilitate the proper use of Grand Central Madison Terminal, and to protect its facilities and its customers, its employees, and the public. In addition to these rules, all applicable provisions of the Penal Law or any other applicable law shall continue to be enforceable.
- (c) These rules may be amended or added to from time to time at the sole discretion of GCMC and in accordance with law.

§ 1041.2 Definitions

As used or referred to in this Part, the following terms have the following meanings unless a different meaning clearly appears from the context in which the term is used:

- (a) “Authority” means the Metropolitan Transportation Authority, the public benefit corporation created by section 1263 of the New York Public Authorities Law.
- (b) “Commercial Activities” means activities whose main purpose is the sale of goods or services or the promotion or advertising of goods or services, including the distribution of goods or materials for free.
- (c) “Controlled Substance” means those substances designated as controlled substances by the New York State Penal Law.
- (d) “Facilities” means the Grand Central Madison Terminal and all adjacent property owned, managed, delegated to, leased, held or operated by GCMC under contract, lease, delegation or other arrangement, including joint service arrangements. Facilities includes all property and equipment including, without limitation, rights of way and related trackage, rails, signal power, fuel, communication and ventilation systems, power plants, tunnels, emergency exits, signage, storage yards, depots, repair and maintenance shops, yards, offices, and other real estate or personalty managed, owned, operated, used, held, delegated to or leased by GCMC for or incidental to the operation, rehabilitation, or improvement of railroad operations including real estate or property used or held or delegated to or leased by GCMC pursuant to joint service arrangements. Furthermore, the term “Facility” or “Facilities” encompasses buildings, structures, and areas used, held, delegated to or leased by GCMC or the Authority, notwithstanding that portions thereof may not be devoted to any agency purpose other than the production of revenues available for covering the costs and expenses of all or any facilities of GCMC or the Authority, but excludes facilities

operated or controlled by Metro-North Commuter Railroad Company, the Long Island Rail Road Company and/or the New York City Transit Authority.

- (e) "General Manager" means the individual or individuals designated by GCMC to have overall supervisory responsibility for the GCMC Facilities, or such person's designee.
- (f) "Grand Central Madison Terminal" means the Grand Central Madison Terminal, including but not limited to all appurtenances, such as the platforms, the concourse, stairways, elevators, escalators and passageways.
- (g) "Noncommercial Activities" means activities involving public speaking, distribution of written materials related to a charitable, religious, or political cause, and solicitation of contributions for charitable, religious or political causes, and artistic performances, including the acceptance of donations for such performances.
- (h) "Person" means any natural person, individual, corporation, society, organization, company, association, firm, partnership, or other entity.
- (i) "Police Officer" refers to any person so designated pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to their authority, has jurisdiction within a terminal, station or train including without limitation any member of the MTA Police Department, and also any bridge and tunnel officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).
- (j) "Trains" or "Train" means all trains operated in revenue service in Grand Central Madison Terminal.
- (k) "Unreasonable Noise" means excessively or unusually loud sounds produced by any means which are audible to another Person, and which causes public inconvenience, annoyance, or alarm, but does not include conversational speech or sounds incident to walking or normal movement. The term Unreasonable Noise also includes sounds which interfere with the audibility of the normal communication, audio communication equipment, and speaker system of Grand Central Madison Terminal or a Train.

§ 1041.3 Construction

In interpreting or applying these rules, the following provisions shall apply:

- (a) No act otherwise prohibited by any of these rules may be undertaken unless specifically authorized by the terms of any written contract, agreement, permit, license, or lease of the type issued in the ordinary course of business of GCMC, provided that such act is otherwise in compliance with any other applicable laws, rules, and regulations.
- (b) The rules shall not apply to any GCMC, the Long Island Rail Road Company, Metro-North Commuter Railroad Company, New York City Transit Authority or Authority employee acting within the course of their employment in an area which is closed to the public. Conduct by employees in areas closed to the public shall continue to be governed in accordance with applicable laws and agency disciplinary procedures.
- (c) The rules shall apply with equal force to any Person assisting, aiding, or abetting another, including a minor, in any of the acts prohibited by the rules or assisting, aiding, or abetting another, including a minor, in the avoidance of any of the requirements of the rules.

- (d) The order or judgment of a court or other tribunal of competent jurisdiction that any provision of the rules is invalid shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate any other provision of the rules or the application of any part of the rules to any other Person or circumstance; the provisions of the rules are declared to be severable.
- (e) The singular shall mean and include the plural and vice versa.

§ 1041.4 General Provisions

- (a) Public areas within Grand Central Madison Terminal are open to the public at such times as may be established by GCMC from time to time. Public areas are those areas of Grand Central Madison Terminal which are open for use by the public in gaining access to transportation, arcades, restaurants, shops, offices, and other businesses or services in Grand Central Madison Terminal, in traveling through Grand Central Madison Terminal from one point to another, in waiting for transportation, and in utilizing public toilet facilities or other services as may be permitted pursuant to these rules.
- (b) No Person except Persons assigned to duty therein by GCMC, the Long Island Rail Road Company, Metro-North Commuter Railroad Company, New York City Transit Authority or the Authority shall enter any area of Grand Central Madison Terminal that is not a public area or that is closed to the public, except in a public safety capacity or pursuant to the terms of a lease, license, operating agreement, or concession granted by GCMC or the Authority.
- (c) Emergency closure. Whenever a threat to public health or safety exists in Grand Central Madison Terminal resulting from any cause, the General Manager or any GCMC employee having authority to do so may close the Grand Central Madison Terminal, Facilities or any part thereof to the public to ensure the safety and well-being of the public.
- (d) Noncommercial Activities within the public areas of Grand Central Madison Terminal are deemed to be authorized provided that such activities:
 - (1) Do not impede or interfere with access onto or off of an escalator, stairway, or elevator;
 - (2) Do not interfere with or impair transportation services or the movement of Persons within Grand Central Madison Terminal;
 - (3) Do not violate any of the prohibitions contained in these rules;
 - (4) Do not take place on platforms located within Grand Central Madison Terminal; and
 - (5) If taking place within Grand Central Madison Terminal, are conducted in accordance with a permit obtained from the General Manager. Applications for permits to conduct Noncommercial Activities within the public areas of Grand Central Madison Terminal may be obtained by e-mailing the General Manager at general.manager@mtagcmc.org and typing "permit request" in the subject line of the e-mail. Such permits will be granted on a first come, first served basis to individuals completing the appropriate permit application and agreeing to abide by these rules, as well as any conditions contained in the permit application. Permits may specify as conditions to their use the location within

Grand Central Madison Terminal, the amount of space allocated and the time or times for which they are valid, as well as the maximum number of people covered by the permit and the size and number of tables, chairs, signs, posters, or like equipment, if any, allowed at that time and location. Permit applications may require information that identifies the permittee or permittees, and any sponsoring organization, other information designed to determine that there will be compliance with these rules and regulations and the above permit conditions, and may also require an acknowledgment or release from liability for any injury that may result from the exercise of rights under the permit. GCMC may charge a fee to permit applicants to cover its administrative costs, but in no event shall such charge exceed \$5. Permits may be suspended or vacated for emergencies and for violation of the prohibitions and conditions contained in the permit application and these rules.

- (e) The maximum amount of time in any calendar day that a person may use benches, chairs or other furniture designed for sitting in the public or designated ticketed passenger-only areas of Grand Central Madison Terminal is 90 minutes, provided that GCMC may extend such time period in instances of significant delay or other exigent circumstances.
- (f) All persons in Grand Central Madison Terminal shall comply with all lawful orders and directives of any Police Officer, peace officer or any GCMC or Authority employee acting within the scope of their employment, including one pursuant to an order or directive issued by the Governor of the State of New York pursuant to a State disaster emergency relating to public health or an order or directive issued by the Authority that includes requiring the wearing of masks or face coverings by any individual who is over the age of two and is able to medically tolerate a face-covering. Masks or face coverings must be worn in a manner covering the nose and mouth. Any person who does not comply with such an order or directive requiring wearing of masks or face coverings in a manner covering the nose and mouth may be barred from entering, or be ejected from, any terminal, station, or train, in addition to a fine of \$50.

§ 1041.5 Prohibited Uses

No Person in Grand Central Madison Terminal shall:

- (a) Block free movement of another person or persons; lie on the floor, platforms, stairs, tables, benches, chairs or other furniture designed for sitting, counters or landings; or occupy more than one seat;
- (b) Create any Unreasonable Noise by any means. Use of music players, radios, and other sound-producing devices must be accomplished by means of headphones or earphones and must be inaudible to others;
- (c) Throw, drop, or cause to be propelled any object, projectile, or other article at, from, upon, in, or on a Facility or Train;

- (d) Drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, except in such areas and at such times as may be permitted by GCMC in its sole discretion;
- (e) Consume any Controlled Substance, except pursuant to valid prescription;
- (f) Enter or remain in Grand Central Madison Terminal while their ability to function safely in the environment of Grand Central Madison Terminal is impaired by the consumption of alcohol or any Controlled Substance;
- (g) Endanger the safety of others, engage in fighting or assault another Person or Persons, or threaten another Person with such conduct.
- (h) Vandalize, injure, deface, alter, write upon, destroy, remove, or tamper with the Facilities or Trains, including any Facilities under the jurisdiction of any tenants or permittees;
- (i) Unless they are authorized employees or agents of GCMC, the Authority, the Long Island Rail Road Company or Metro-North Commuter Railroad Company, enter or attempt to enter any area which is locked or otherwise restricted from public access by any means including, but not limited to, barricades, fencing, doors, and signs, or enter or leave Grand Central Madison Terminal except by designated entrance ways or exits;
- (j) Skateboard, roller skate, or ride a bicycle, scooter, or any other self-propelled vehicle or motor-propelled vehicle or device on or through any part of Grand Central Madison Terminal. The use of self-propelled or motor-propelled vehicles or devices by Persons with physical disabilities is permitted;
- (k) Cook, light a fire, or otherwise create a fire except pursuant to the terms of any lease, license, operating agreement, concession, or permit granted by GCMC or Authority;
- (l) Utilize hand carts on escalators;
- (m) Dispense commercial merchandise with or without charge or carry on any commercial activity except pursuant to the terms of a lease, license, operating agreement, or concession granted by GCMC or Authority;
- (n) Offer to or agree to carry baggage for hire and/or flag taxicabs or car services except pursuant to the terms of a lease, license, operating agreement, or concession granted by GCMC or the Authority;
- (o) Burn a lighted cigarette, cigar, pipe, or any other matter or substance which contains tobacco, or any tobacco substitute, or use an electronic cigarette (vaping) on a train or in any indoor area within Grand Central Madison Terminal, or in an outdoor ticketing, boarding or platform area of Grand Central Madison Terminal;
- (p) Engage in any activity which interferes with the Commercial Activities of lessees, tenants, licensees, and their employees or customers;
- (q) Engage in Noncommercial Activities, except as authorized in section 1041.4(d) of this Part.
- (r) Sit on the platforms, stairs, tables, counters, or landings;
- (s) Utilize a wheeled cart greater than thirty (30) inches in either length or width, including but not limited to shopping or grocery store carts or baskets, but excluding any stroller which is being utilized for children, except for authorized deliveries to tenants in the Grand Central Madison Terminal in areas designated for deliveries; or
- (t) Perform any act that interferes with the provision of transportation service, obstructs the flow of traffic in or on Facilities, platforms, or conveyances, interferes with access onto or

off of an escalator, stairway or elevator, or otherwise interferes with the safe and efficient operation of the Facilities.

§ 1041.6 Littering and Dumping Rubbish and Refuse

No Person shall litter in Grand Central Madison Terminal or the Facilities. All Persons shall use receptacles provided for the disposal of refuse. No bulk refuse generated or collected on property outside the jurisdiction of GCMC may be taken into, dumped within or carried through a Facility or deposited in any Facility receptacle. Trash and other waste materials contained in waste receptacles within Grand Central Madison Terminal shall not be removed except by Persons duly authorized by the General Manager.

§ 1041.7 Hygiene

- (a) No Person shall spit in or upon Grand Central Madison Terminal or the Facilities.
- (b) No Person shall urinate or defecate in any part of Grand Central Madison Terminal or the Facilities, other than in a urinal or toilet intended for that purpose.
- (c) Only one Person may occupy a Grand Central Madison Terminal or Facilities urinal or toilet booth at one time. This shall not preclude an individual responsible for the care of a small child or a person with a disability from assisting such child or person with a disability in the use of such urinal or toilet booth.
- (d) No Person shall use any water fountain, drinking fountain, or any other water found in the Grand Central Madison Terminal or the Facilities for the purpose of washing or cleaning himself or herself, his or her clothing, or other personal belongings. This subdivision shall not apply to Facilities within Grand Central Madison Terminal that are specifically designated for personal hygiene purposes (i.e., wash basins, bathroom, shower room) provided, however, that no Person shall wash their clothes or personal belongings in such areas and that only one Person at a time may occupy a shower. No Person shall bathe, launder, or change clothes or remain undressed in any public restroom, sink, washroom, or any other area within Grand Central Madison Terminal or the Facilities.

§ 1041.8 Priority Seating for Persons with Disabilities

No Person shall refuse or fail to relinquish a seat in an area which has been designated as "Priority Seating for Disabled Persons," if requested to do so by a GCMC, Authority, or the Long Island Rail Road Company employee or a Police Officer.

§ 1041.9 Animals

No person except a Police Officer or other person authorized by GCMC shall enter the Grand Central Madison Terminal or the Facilities with any animal except a service animal or an animal enroute to or from a train and under the direct control of the individual the animal is accompanying such as by leash, container, or other device, and is carried in a manner that would not annoy other passengers. This section does not apply to working dogs for law enforcement agencies, service animals which have been trained or are being trained to aid or guide a person with a disability and

are accompanying persons with disabilities, or service animals which are being trained by a professional trainer. All service animals must be harnessed or leashed.

“Service animal” means a guide dog, signal dog, or other animal individually trained to perform one or more specific tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or mental disability, that such person is unable to perform due to such disability, such as guiding persons with impaired vision, alerting persons with impaired hearing to sounds, pulling a wheelchair, retrieving dropped items, recognizing or avoiding hazards, alerting a person to an oncoming seizure, and responding to a seizure. The term service animal does not include a therapy animal, comfort animal, or animal used for emotional support.

§ 1041.10 Firearms or other weapons

No firearms or other weapons (as the term is used in the New York State Penal Law) may be carried in or on any Facility or Train except as permitted by law.

§ 1041.11 Explosives, acids, inflammables, compressed gases, and other dangerous substances

No Person shall bring into or carry in the Grand Central Madison Terminal or the Facilities any explosives, acids, inflammables, compressed gases, or articles or materials having or capable of producing strong offensive odors, explosion, or fire, or articles or materials likely to endanger persons or property, or any signal flare, or any container filled with or which has been emptied or partially emptied of oil, gasoline, petroleum products, paint, or varnish, except as permitted by GCMC, conditioned upon the use of appropriate receptacles in rooms or areas approved for such use, or materials otherwise prohibited under this paragraph provided that such material is still under its original manufacturer's seal and complies with all applicable laws and regulations. Bringing in or keeping at the Facility without special permission gasoline or other motor fuel contained in tanks permanently attached to vehicles and not contained under pressure shall not be a violation of this rule.

§ 1041.12 Unauthorized interference with or use of systems or equipment prohibited

No Person shall do or permit to be done anything which may interfere with the effectiveness or accessibility of the fire protection system, sprinkler system, drainage system, alarm system, telephone system, electrical system, public announcement and intercommunication system, plumbing system, lighting system, security system, elevator and escalator systems, air-conditioning system, ventilation system, fire hydrants, hoses, fire extinguishers, towing equipment, or other mechanical systems, facilities or equipment installed or located at or in Grand Central Madison Terminal or the Facilities including closed circuit television cameras and monitors, signs, and notices; nor shall any person operate, adjust, or otherwise handle or manipulate, without permission, any of the above systems or portions thereof, or any machinery, equipment, or other devices installed in or located at the Grand Central Madison Terminal or the Facilities. Tags showing date of last inspection attached to units of fire extinguishing and firefighting equipment shall not be removed therefrom, nor shall any person plug a television, radio or other electrical device into any outlet, or connect any device to any utility at or in Grand

Central Madison Terminal or the Facilities, except with the permission of an authorized GCMC or Authority employee.

§ 1041.13 Enforcement

- (a) Any Person violating any of these rules may receive an appearance ticket and/or may be subject to ejection from Grand Central Madison Terminal or the Facilities.
- (b) Any Police Officer is empowered to issue an appearance ticket and/or order ejection from the Grand Central Madison Terminal or the Facilities for violation of any of these rules.
- (c) Violation of these rules shall constitute an offense punishable by a fine or imprisonment or both but no such fine or imprisonment shall exceed the maximum fine or imprisonment permitted under Public Authorities Law, section 1266(4).

§ 1041.14 Public Notice of the Provisions of New York Penal Law § 165.16 (as Added by Chapter 57 of the Laws of 2005)

The following notice of the provisions of New York Penal Law §165.16 is provided pursuant to part T, section 2 of chapter 57 of the Laws of 2005. New York Penal Law, §165.16 states:

Unauthorized sale of certain transportation services.

1. A person is guilty of unauthorized sale of certain transportation services when, with intent to avoid payment by another person to the Metropolitan Transportation Authority, New York City Transit Authority or a subsidiary or affiliate of either such authority of the lawful charge for transportation services on a railroad, subway, bus or mass transit service operated by either such authority or a subsidiary or affiliate thereof, he or she, in exchange for value, sells access to such transportation services to such person, without authorization, through the use of an unlimited farecard or doctored farecard. This section shall apply only to such sales that occur in a transportation facility, as such term is defined in subdivision two of section 240.00 of this chapter, operated by such Metropolitan Transportation Authority, New York City Transit Authority or subsidiary or affiliate of such authority, when public notice of the prohibitions of its section and the exemptions thereto appears on the face of the farecard or is conspicuously posted in transportation facilities operated by such Authority, New York City Transit Authority or such subsidiary or affiliate of such authority.
2. It shall be a defense to a prosecution under this section that a person, firm, partnership, corporation, or association: (a) selling a farecard containing value, other than a doctored farecard, relinquished all rights and privileges thereto upon consummation of the sale; or (b) sold access to transportation services through a farecard, other than a doctored farecard, when such sale was made at the request of the purchaser as an accommodation to the purchaser at a time when a farecard was not immediately available to the purchaser, provided, however, that the seller lawfully acquired the farecard and did not, by means of an unlawful act, contribute to the circumstances that caused the purchaser to make such request.
3. For purposes of this section:

- a. "Farecard" means a value-based, magnetically encoded card containing stored monetary value from which a specified amount of value is deducted as a payment of a fare;
- b. "Unlimited farecard" means a farecard that is time-based, magnetically encoded, and which permits entrance an unlimited number of times into Facilities and conveyances for a specified period of time; and
- c. "Doctored farecard" means a farecard that has been bent or manipulated or altered so as to facilitate a person's access to transportation services, without paying the lawful charge.

Unauthorized sale of transportation service is a class B misdemeanor.



Long Island Rail Road Procurements




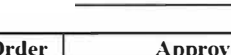
Richard Mack, MTA Assistant Deputy Chief Contracts Officer – LIRR Procurements



PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed estimated expenditure of \$2.3M.

Subject Request for Authorization to Award Various Procurements					
Department LIRR Procurement					
Department Head Name Richard Mack					
Department Head Signature					
Project Manager Name Rose Davis					
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	03/27/23			
2	Board	03/29/23			

March 17, 2023			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
1	Acting VP. General Counsel & Secretary		
2	VP Maintenance of Way		
3	SVP Operations		
4	Interim President		

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval

PURPOSE

To obtain approval of the Board to award various contracts and purchase orders, and to inform the Long Island Rail Road Committee of these procurement actions.

DISCUSSION

LIRR proposes to award Noncompetitive procurements in the following categories: None

LIRR proposes to award Competitive procurements in the following categories:

Procurements Requiring Two-Thirds Vote:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	1	\$ 2.3 M
SUBTOTAL	1	\$ 2.3 M

LIRR proposes to award Ratifications in the following categories: None

TOTAL	1	\$ 2.3 M
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COMPETITIVE BIDDING REQUIREMENTS: The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

BUDGET IMPACT: The purchases/contracts will result in obligating funds in the amounts listed. Funds are available in the current operating/capital budgets for this purpose.

RECOMMENDATION: That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)

BOARD RESOLUTION

WHEREAS, in accordance with Sections 1265-a and 1209 of the Public Authorities Law and the All-Agency General Contract Procurement Guidelines, the Board authorizes the award of certain noncompetitive purchase and public work contracts, and the solicitation and award of requests for proposals regarding purchase and public work contracts; and

WHEREAS, in accordance with the All-Agency Service Contract Procurement Guidelines and General Contract Procurement Guidelines the Board authorizes the award of certain noncompetitive miscellaneous service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts, and

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All-Agency Service Contract Procurement Guidelines, the Board authorizes the award of certain service contracts and certain change orders to service contracts.

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.

2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals, and authorizes the solicitation of such proposals.

3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.

4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein and ratifies each action for which ratification is requested.

5. The Board authorizes the execution of each of the following for which Board authorization is required: (i) the miscellaneous procurement contracts set forth in Schedule E; (ii) the personal service contracts set forth in Schedule F; (iii) the miscellaneous service contracts set forth in Schedule G; (iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; (v) the contract modifications to purchase and public work contracts set forth in Schedule I; and (vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.

6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

MARCH 2023

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:




C. Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)

(Staff Summaries required for items estimated to be greater than \$1,000,000.)

- | | | |
|--------------------------|-------------------------------|--------------------------------------|
| 1. Railware, Inc. | \$2,299,063 (estimate) | <u>Staff Summary Attached</u> |
| 24 Months | | |
| Contract # 6487 | | |

Award of a 24-month contract for the purchase and installation of the traffic control system software, Railware Dispatch X.

Staff Summary

Item Number 1			
Department LIRR Procurement, Richard Mack			
Internal Approvals			
Order	Approval	Order	Approval
1	Acting VP, General Counsel & Secretary		
2	VP Maintenance of Way		
3	SVP Operations		
4	Interim President		CAR

SUMMARY INFORMATION	
Vendor Name Railware, Inc.	Contract No. 6487
Description Jamaica Central Control System Upgrade	
Total Amount: \$2,299,063 (estimate)	
Contract Term (including Options, if any) 24 Months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: Sole Source	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Purpose

Pursuant to a competitively solicited Request for Proposal (“RFP”) process, the Long Island Rail Road (“LIRR”) seeks MTA Board approval to award a 24-month contract to Railware, Inc. (“Railware”) for the purchase and installation of a traffic control system software, known as Dispatch X, to replace the existing software system at the Jamaica Central Control (“JCC”). The existing software system is beyond its useful life. The software will be installed in phases over the 24-month period.

Discussion

The existing JCC system software, Operational Control Centre System (“OCCS”), which controls the Jamaica Interlockings, was designed, built, and installed in 2010, and is past its useful life with maintenance costs escalating. The OCCS system is one of nine control systems that manages train movement throughout LIRR territories. The other locations are, Atlantic Terminal (Brook), Nassau, Queens, Valley, Port Washington, Long Beach, Divide, and Babylon. The primary end users of this supervisory system are LIRR train dispatchers and operations personnel who control the movement of the trains through the interlockings.

In September 2022, LIRR publicly advertised an RFP for this project in the *New York State Contract Reporter*, *New York Daily News*, and on the MTA website. In November 2022, a single proposal was received from Railware. LIRR then engaged in negotiations with Railware regarding its proposal to provide LIRR with its Dispatch X system.

Negotiations focused on technical scope and schedule concerns, including design efforts, equipment specifications, a shorter delivery schedule, and LIRR support. As a result, Railware was able to compress the work schedule to coordinate with work to migrate local Tower control systems into the Jamaica Operations Center JCC. Installation of the traffic control system software by Railware will be implemented in four phases over 24 months in the following order: (1) Converting the existing OCCS software to Railware Dispatch X; (2) upgrade the TIMACS at the JCC Tower and add adjacent locations; (3) streamline the Model Board Overview at JCC Tower thus creating a uniform topology of all signal systems at the LIRR; and (4) create separate networks to include transportation playback and simulation, and remote viewing via mobile devices.

After subsequent discussions, Railware submitted its Best and Final Offer of \$2,299,063. The amount was deemed fair and reasonable by LIRR Estimating. Post installation support will be conducted by in-house forces, representing an annual savings of \$164,000.

Railware’s Dispatch X system has proven to be an effective and reliable system and Railware has provided a similar system to several other properties around the United States, including the centralized control center at Metro-North Railroad.

Staff Summary

Railware has certified that pursuant to EO 16, it is not doing business in Russia.

This contract has been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Any applicable cybersecurity requirements, to the extent required, have been included in the contract terms and conditions.

M/W/SDVOB Information

The Department of Diversity and Civil Rights has established zero MWBE/SDVOB goals due to the highly specialized nature of this contract. Railware, Inc has not completed any MTA contracts with goals; therefore, no assessment of their MWDBE/SDVOB is available at this time.

Impact on Funding

MTA Board approval is requested in the amount of \$2,299,063. This contract is funded by Capital funds.

Alternatives

There are no alternatives, as LIRR does not have the ability to undertake the replacement of the traffic control system software at the Jamaica Control Center with its own forces.

**NYCT Committee
ACTIONS and PRESENTATIONS
SUMMARY for MARCH 2023**

Responsible Department	Vendor Name	Total Amount	Summary of action
NYCT & MTA Bus	N/A	TBD	Authorizing Resolution for the purchase of four Bus Simulators for NYC Transit and MTA Bus




New York City Transit Procurements

Louis Montanti, MTA Deputy Chief Procurement Officer – Procurement Operations

PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed estimated expenditure of \$TBDM.

Subject Request for Authorization to Award Various Procurements					
Department MTA Procurement					
Department Head Name Kuvershen Ayer					
Department Head Signature <i>Kuvershen Ayer</i>					
Project Manager Name Rose Davis					
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	03/27/23			
2	Board	03/29/23			

March 17, 2023		
Department		
Department Head Name		
Department Head Signature		
Internal Approvals		
	Approval	Approval
	President NYCT	X Pres. MTA Bus/SVP DOB
X	Deputy CFO	X SVP Subways
X	Legal	X Diversity/Civil Rights

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval

PURPOSE
To obtain approval of the Board to award various contracts and purchase orders, and to inform the NYC Transit Committee of these procurement actions.

DISCUSSION
NYC Transit proposes to award Noncompetitive procurements in the following categories: None

NYC Transit proposes to award Competitive procurements in the following categories:

Procurements Requiring Two-Thirds Vote:	# of Actions	\$ Amount
Schedule B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	1	\$ TBD M
SUBTOTAL		\$ TBD M

NYC Transit proposes to award Ratifications in the following categories: None

TOTAL		\$ TBD M
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COMPETITIVE BIDDING REQUIREMENTS: The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

BUDGET IMPACT: The purchases/contracts will result in obligating funds in the amounts listed. Funds are available in the current operating/capital budgets for this purpose.

RECOMMENDATION: That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)

BOARD RESOLUTION

WHEREAS, in accordance with Sections 1265-a and 1209 of the Public Authorities Law and the All-Agency General Contract Procurement Guidelines, the Board authorizes the award of certain noncompetitive purchase and public work contracts, and the solicitation and award of requests for proposals regarding purchase and public work contracts; and

WHEREAS, in accordance with the All-Agency Service Contract Procurement Guidelines and General Contract Procurement Guidelines the Board authorizes the award of certain noncompetitive miscellaneous service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts, and

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All-Agency Service Contract Procurement Guidelines, the Board authorizes the award of certain service contracts and certain change orders to service contracts.

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.

2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals, and authorizes the solicitation of such proposals.

3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.

4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein and ratifies each action for which ratification is requested.

5. The Board authorizes the execution of each of the following for which Board authorization is required: (i) the miscellaneous procurement contracts set forth in Schedule E; (ii) the personal service contracts set forth in Schedule F; (iii) the miscellaneous service contracts set forth in Schedule G; (iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; (v) the contract modifications to purchase and public work contracts set forth in Schedule I; and (vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.

6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

MARCH 2023

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

B. Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)
(Staff Summaries required for items estimated to be greater than \$1,000,000.)

- | | | |
|---|-------|-------------------------------|
| 1. TBD | \$TBD | <i>Staff Summary Attached</i> |
| Two years with a one-year Option | | |
| Contract# TBD | | |
| RFP Authorizing Resolution for the procurement of four Bus Operator Simulators for NYC Transit and MTA Bus Company. | | |

Staff Summary

Item Number 1			
Department MTA Procurement, Kuvershen Ayer CPO			
Internal Approvals			
Order	Approval	Order	Approval
1 X	Procurement	6	President
2 X	Law		
3 X	CFO		
4 X	DDCR		
5 X	Buses/MTABC		

SUMMARY INFORMATION	
Vendor Name RFP Authorizing Resolution	Contract No. TBD
Description Purchase of four Bus Operator Simulators	
Total Amount: TBD	
Contract Term (including Options, if any) TBD	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Purpose

To request that the Board declare competitive bidding impractical or inappropriate for the procurement of four Bus Operator Simulators for NYC Transit and MTA Bus Company (“MTABC”), and that it is in the public interest to issue competitive Request for Proposals (“RFP”) pursuant to New York State Public Authorities Law, Section 1209, subdivision 9(g) for NYC Transit and New York State Public Authorities Law, Section 1265-a, subdivision 4(g) for MTABC.

Discussion

The Public Authorities Law, Section 1209, subdivision 9(g) and Section 1265-a, subdivision 4(g) permits NYC Transit and MTABC respectively, to use the competitive RFP process in lieu of competitive bidding to award contracts based on a formal evaluation of characteristics such as quality, delivery, and cost against stated selection criteria. NYC Transit and MTABC are desirous of utilizing such a procedure with respect to the procurement of four Bus Operator Simulators for the Spring Creek and Zerega Bus Depot facilities.

NYC Transit will conduct the procurement of these bus simulators on behalf of itself and MTABC.

A bus simulator is a computer-based interactive training device that augments the use of an actual vehicle used as a supplement to hands-on training on actual roadways. Simulators use specific training curriculums within a geo-specific virtual world, in which student and veteran bus operators’ skillsets can be corrected and/or enhanced, thereby improving overall performance and safety. The new state-of-the-art units will replace four outdated models with limited capabilities. This includes (1) smaller overall footprints; (2) high-definition monitors with enhanced graphics and resolutions, motion platforms that provide a realistic feel and real-time feedback to the users; (3) various bus models availability, which includes 40- and 60-foot diesel and electric buses, interactive instructor workstations with active two-way radio communication between instructor and operator; and (4) additional scripted scenarios and the ability to create more compelling driving database environments specific to MTA needs.

Through the purchase of new bus simulators, NYC Transit and MTABC will have the ability to enhance its current training programs, while adding more depth and technological advancement.

Utilizing the RFP process will allow NYC Transit to select the proposals that offer the best overall value through negotiations and evaluation based on criteria that reflect the critical needs of each agency. By utilizing the RFP process for the acquisition of bus simulators, NYC Transit will be able to (1) weigh factors such as overall project price and overall quality of proposer and product including delivery; (2) negotiate specific contract terms, such as warranty and payment terms; (3) negotiate technical matters as deemed appropriate; and (4) include any other factors that NYC Transit and/or MTABC deem relevant to their operations. Upon completion of each RFP process, NYC Transit will obtain Board approval for the actual contract award.

Staff Summary

M/W/DBE Information

Based on the review of the MTA Department of Diversity & Civil Rights, this solicitation is effectively a single trade and does not allow for subcontracting opportunities.

Impact on Funding

Bus Operator Simulators are a part of the approved 2020–2024 Capital Plan Program.

Alternatives

Issue competitive invitations for Bid. Not recommended given the complexity of procurement and the advantages offered by the RFP process.

Recommendation

For the Board to declare competitive bidding impractical or inappropriate for the procurement of four Bus Operator Simulators for NYC Transit and MTABC, and that it is in the public interest to issue a competitive RFP pursuant to New York State Public Authorities Law, Section 1209, subdivision 9(g) for NYC Transit and New York State Public Authorities Law, Section 1265-a, subdivision 4(g) for MTABC.

Staff Summary

Subject 2022 Annual Procurement Report
Department MTA Procurement
Department Head Name Kuvershen Ayer, Chief Procurement Officer
Department Head Signature
Division Head Name

Date March 17, 2023
Vendor Name Various
Contract Number Various
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	3/27/23	X		
2	Board	3/29/23	X		

Internal Approvals			
Order	Approver	Approval	Date
1	Chief Compliance Officer		
2	General Counsel		
3	CFO		
4	Chief Administrative Officer		
5	Chief of Staff		

Purpose:

To authorize the filing with the State of New York of the annual MTA All-Agency Procurement report for the period January 1, 2022-December 31, 2022, as required under Section 2879 of the Public Authorities Law ("PAL").

The report, with data prepared by each agency, includes the information required, specifically, contracts for which payments were made in 2022 by any MTA agency.

The Procurement report, which is being submitted separately in the Committee Exhibits, conforms to the format/content requirements of PAL Section 2879 and the New York State Independent Authorities Budget Office. The Board-approved All-Agency Procurement Guidelines will be attached to the report prior to filing, as required by PAL Section 2879.

Many of the contracts on this list came before the Board during the course of the calendar year. The active contracts that were awarded prior to this calendar year were also included in the prior years' annual procurement reports, which have previously been reviewed by the Board.

Staff Summary

Subject Board Authorization to File for and Accept Federal Grants
Department Capital Programs
Department Head Name Stephanie DeLisle
Department Head Signature
Project Manager Name Stephanie DeLisle

Date March 29, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action-					
Order	To	Date	App	Info	Other
1	Finance	03/27/2023	x		
2	Board	03/29/2023	x		

Internal Approvals			
Order	Approval	Order	Approval
1	CFO		
2	Legal		
3	Chief of Staff		

Narrative

Purpose

To secure MTA Board approval to file for and accept Federal grants for Federal Fiscal Year (FFY) 2023 against FFY 2024 appropriations.

Discussion

Enclosed is a resolution for Board action prepared in conformance with past practices to:

- 1) Authorize filing of grant applications for FFY 2023 Federal appropriations.
- 2) Authorize the Chair or any of his designees to make required certifications.
- 3) Authorize acceptance of grants in FFY2023.

Projects authorized to be submitted for Federal funding are those referenced in the published Notice of Public Hearing and described in the MTA Description of Projects for FFY 2023. A copy of the resolution requesting MTA Board approval and the list of the projects are attached to this staff summary.

In accordance with FTA regulations, a Public Hearing inviting public comment on the projects proposed to be submitted for federal funding was advertised beginning on January 3, 2023. Written comments (via mail or the MTA.info website) were solicited, and a Hearing to solicit comments was held on Tuesday, February 7, 2023 (both in person and via Zoom). At the Hearing, the Director of Capital Funding Management read into the record the amounts of Federal funds and dollar amounts of work covered by the Notice.

A transcript of the Hearing and written comments submitted in conjunction with the Hearing are available on the Director's Desk. 14 members of the public gave testimony at the Public Hearing, and 8 on-line comments were received. Collectively, these statements/comments discussed increased ADA accessibility/elevators at subway and commuter railroad stations; system safety and cleanliness; improved transit access and equitable investments for communities located furthest from public transportation; increased assignment of electric buses to at-risk communities; improved interconnectivity of subway lines; federal funding for Penn Station expansion; increased funding for City, State and Federal governments; investments to prepare for climate change; OMNY vending machine installation on Staten Island Railway; as well as comments in support of the proposed projects included in this Hearing. In accordance with applicable federal requirements, MTA and agency staff have reviewed and considered all substantive public comments concerning the proposed program of projects for federal funding.

Recommendation

It is recommended that the MTA Board approve the attached resolution in order to permit the filing and acceptance of Federal assistance for FFY 2023.

**RESOLUTION ADOPTED AT A MEETING OF
METROPOLITAN TRANSPORTATION AUTHORITY
Wednesday, March 29, 2023**

WHEREAS, on and after January 3, 2023, a Notice of Public Hearing on the projects to be considered for inclusion in applications to the United States Department of Transportation (USDOT) for Federal financial assistance under Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, or under 49 U.S.C 5300 et seq. as well as funds available for transit use under Title I of the Fixing America's Surface Transportation Act (FAST Act) was published in newspapers of general circulation (including newspapers oriented to minority communities) in the geographic area to be served thereby, which Notice contained a summary of the capital improvement program for federal fiscal year 2023 for the New York City Transit Authority, Manhattan and Bronx Surface Transit Operating Authority, Long Island Rail Road, Metro-North Commuter Railroad, MTA Capital Construction Company, MTA Bus Company, Staten Island Rapid Transit Operating Authority; and

WHEREAS, the full program of projects including descriptions of individual projects, for federal fiscal year 2023, was available to the public, as indicated in the notices published in newspapers, either by request or at public offices in the area served by the Metropolitan Transportation Authority (the "Authority"); and

WHEREAS, all of the principal elected officials of each general purpose unit of government within the service areas of the public transportation operators for whom assistance is being sought under the said project application were notified by mail of such application; and

WHEREAS, on Tuesday, February 7, 2023, the Public Hearing was conducted by the Authority affording to all concerned the opportunity to present their views, and to submit written statements concerning the projects, including consideration of the economic and social effects of the projects, their impact on the environment and their consistency with the goals and objectives of such urban planning as has been promulgated by the affected communities; and

WHEREAS, the members of the Authority have had an opportunity to review the testimony given at the said Public Hearing, and the statements submitted in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY METROPOLITAN TRANSPORTATION AUTHORITY:

1. The Chair, or any of his designees, be and each of them hereby is, with respect to applications for grants for projects under Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, or under 49 U.S.C 5300 et seq. as well as funds available for transit under Title I of FAST Act, authorized to certify to the United States Department of Transportation that the Authority has (a) afforded an adequate opportunity for a Public Hearing on the

projects pursuant to adequate prior notice, and has held such Hearing; (b) considered the economic and social effects of the projects and their impact on the environment, including requirements under the Clean Air Act, the Federal Water Pollution Control Act and other applicable federal environmental statutes, and their consistency with goals and objectives of such urban planning as has been promulgated by the affected communities; (c) found that the projects are consistent with the official plans for the comprehensive development of the urban area to be affected; and (d) found that the projects are in the best overall public interest taking into consideration the need for fast, safe and efficient public transportation services, and conservation of environment, historic sites and natural resources and the cost of eliminating or minimizing any adverse effects.

2. The Chair, or any of his designees be, and each of them hereby is, authorized to deliver to the said department a copy of the published notices of and transcript of the said Hearing, including those written statements submitted in connection therewith, and to advise the said department (a) that it may consider the applications as the Authority's final applications, subject to such revisions as the Chair, or his designees may deem acceptable; (b) that the views, if any, concerning the projects of those principal elected officials of each general purpose unit of government within the service areas of the mass transportation operators for whom assistance is being sought under the said applications, are as set forth in the transcript of the said Public Hearing and those written statements submitted in connection therewith.
3. The Chair, or any of his designees be, and each of them hereby is, authorized to execute and file applications and accept from the United States of America, on behalf of the Authority, grants of financial assistance under successor legislation to Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, or under 49 U.S.C 5300 et seq. as well as funds available for transit use under Title I of FAST Act (in such amounts as may become available) in connection with the projects upon such terms and conditions as the Chair, or any of their designees shall deem acceptable.

CERTIFICATION

The undersigned hereby certifies that she is the Assistant Secretary of Metropolitan Transportation Authority, a public benefit corporation of the State of New York, and that the foregoing is a true and correct copy of a resolution adopted at a meeting of the said Authority duly held on the 29th day of March 2023, which meeting a quorum of the said Authority was present and acting throughout.

Victoria Clement
Assistant Secretary

Dated: _____

**Proposed Program of Projects
Federal Fiscal Year 2023**

ACEP ID/Agency PIN	Project/Project Description	Estimated Federal Request (\$M)	Page
NEW YORK CITY TRANSIT			
<i>Subway Cars</i>			
T80101XX	Purchase Subway Cars	\$1,000.00	1
	Subtotal	\$1,000.00	
<i>Bus Replacement</i>			
T8030201	Purchase Standard Battery Electric Buses (BEB)	\$497.80	2
T8030203	Purchase Articulated Battery Electric Buses (BEB)	\$175.00	3
T8030230	Charging Infrastructure at Various Depots	\$185.00	4
	Subtotal	\$857.80	
<i>Stations</i>			
T8040702	Replace Elevators at Various Stations, System-wide	\$290.00	5
T8040714	Replace Escalators at Broadway Junction Complex	\$60.00	6
T8041234	Platform Components Investment: Broadway Junction Complex	\$15.00	7
T80412XX	Station Work: System-wide	\$100.00	8
T8041322	ADA: Classon Avenue / Crosstown	\$90.00	9
T8041323	ADA: New Lots Av / New Lots	\$120.00	10
T8041346	ADA: Broadway Junction Complex (JAM, CNR, FUL)	\$430.00	11
T8041331	ADA: Parkchester-East 177 St, Pelham Line	\$90.00	12
T8041351	ADA: 168 Street, Broadway / 7 Ave Line	\$275.00	13
T8041374	MTA Accessible Boarding Area Decals	\$1.00	14
T80413XX	Station Accessibility: System-wide	\$700.00	15
	Subtotal	\$2,171.00	
<i>Line Equipment</i>			
T80605XX	Line Equipment Rehabilitation: System-wide	\$90.00	16
	Subtotal	\$90.00	
<i>Line Structures</i>			
T80703XX	Line Structure Rehabilitation: System-wide	\$80.00	17
	Subtotal	\$80.00	
<i>Signals and Communications</i>			
T80803XX	Signal Modernization: Various Locations	\$60.00	18
T80806XX	Communication Modernization: Various Locations	\$150.00	19
	Subtotal	\$210.00	
<i>Power</i>			
T80902XX	Substations: System-wide	\$170.00	20
T80904XX	Power Distribution: System-wide	\$140.00	21
	Subtotal	\$310.00	
<i>Depots</i>			
T81203XX	Depot Rehabilitation & Reconstruction	\$100.00	22
	Subtotal	\$100.00	
SIRTOA			
S8070107	ADA: Huguenot, SIR	\$35.00	23
	Subtotal	\$35.00	
New York City Transit Total		\$4,853.80	

LONG ISLAND RAILROAD**Stations**

L8020402	Station Platform Components: Various Locations	\$195.90	24
L8020403	Station Building Components: Various Locations	\$2.50	26
L8020408	Small Business Mentoring Program - Stations	\$16.00	27
L80204RR	ADA Forest Hills Platform Extensions & Elevators	\$55.10	28
L80204RR	ADA Hollis Station	\$16.04	29
L8020501	Parking Rehabilitation & Access Improvements	\$16.59	30
L8020502	Small Business Mentoring Program - Parking	\$11.71	32
	Subtotal	\$313.84	

Track

L8030103	Yard Track Rehabilitations	\$3.20	34
L8030109	2024 Annual Track Program	\$78.45	35
L8030402	Jamaica Capacity Improvements - Reserves	\$65.00	36
L8030404	Other Track Improvements - Reserve	\$62.69	37
	Subtotal	\$209.34	

Line Structures

L8040109	Bridge Replacement and Rehabilitation: Webster Avenue	\$23.80	38
L8040201	Atlantic Avenue Tunnel Structural Work	\$29.90	39
L8040202	Tunnel Replacements and Upgrades	\$1.40	40
	Subtotal	\$55.10	

Communications and Signals

L8050101	Communication Pole Line	\$3.20	41
L8050102	Communication Component Replacement	\$2.30	42
L8050201	Babylon Interlocking Renewal	\$40.00	43
L8050208	Positive Train Control (FRA Mandates)	\$33.00	44
	Subtotal	\$78.50	

Shops and Yards

L70604YJ	Mentor Allowance - Shops and Yards	\$3.50	45
L8060401	Rehabilitation of Employee Facilities – Various Locations	\$41.10	46
L8060405	Small Business Mentoring Program – Employee Facilities	\$8.94	47
	Subtotal	\$53.54	

Power

L8070101	Substation Replacements	\$129.00	48
L8070103	Power Component Repairs and Replacements	\$21.20	49
L8070104	Third Rail Upgrades	\$29.70	50
	Subtotal	\$179.90	

Miscellaneous

L8090410	Program Administration	\$138.00	51
	Subtotal	\$138.00	
	Long Island Rail Road Total	\$1,028.22	

METRO-NORTH RAILROAD**Rolling Stock**

M801-01-01	M-3 Replacement	\$484.64	52
	Subtotal	\$484.64	

Stations

M802-01-04	GCT Mentoring- Park Avenue Tunnel Emergency Exit Hatches & Stair	\$8.42	53
M802-02-02	Harlem Line Station Renewal	\$88.51	54
M802-02-05	Ludlow Station Accessibility Improvements	\$11.00	55
M802-03-01	Brewster Yard Improvement – SE Parking	\$175.00	56
	Subtotal	\$282.93	

Track and Structures

M803-01-01	2023 Cyclical Track Program	\$24.40	57
M803-01-03	Turnouts: Mainline/High Speed/GCT Turnouts/Yards & Sidings/Insulated Joints	\$17.90	58
M803-01-04	Rock Slope Remediation	\$8.63	59
M803-01-05	Rebuild Marble Hill Retaining Wall Phase 1	\$13.22	60
M803-01-06	ROW Drainage Improvements	\$9.00	61
M803-01-07	Maintenance of Way Equipment	\$11.40	62
M803-02-01	Park Avenue Viaduct Replacement	\$88.00	63
M803-02-02	Undergrade Bridge Rehab. - East of Hudson	\$72.23	64
M803-02-04	Railtop Culverts	\$3.32	65
M803-02-05	Bridge Walkways	\$0.98	66
M803-02-06	Replace Undergrade Bridge Timber	\$1.62	67
M803-02-07	Right-of-Way Fencing	\$0.50	68
M803-02-08	Hudson Line Tunnels	\$5.69	69
M803-03-01	West of Hudson Rock Slope Remediation – Pt Jervis Line	\$11.37	70
M803-03-02	West of Hudson Track Program	\$9.27	71
M803-03-03	West of Hudson Undergrade Bridge – Port Jervis Line	\$9.86	72
M803-03-04	Moodna/Woodbury Viaduct Repairs	\$38.12	73
	Subtotal	\$325.51	

Communications and Signals

M804-01-01	Harmon to Poughkeepsie Signal System	\$249.26	74
M804-01-02	PBX Replacement / Upgrade	\$3.92	75
M804-01-03	Voice Recorder Replacement	\$1.00	76
M804-01-04	Network Infrastructure	\$15.49	77
M804-01-05	Station PA System	\$2.01	78
M804-01-06	Radio System	\$13.37	79
M804-01-08	CCTV	\$2.50	80
M804-01-09	Grade Crossing Improvements	\$3.00	81
M804-01-13	Positive Train Stop Release	\$25.00	82
	Subtotal	\$315.55	

Power

M805-01-06	Hudson Line Track 1 Electrification	\$43.41	83
M805-01-07	Replace Signal Power Transformer & Signal Sect. Switches	\$3.21	84
M805-01-08	Transformer Rehabilitation	\$3.43	85
	Subtotal	\$50.05	

Shops and Yards

M706-01-04	WoH Capacity Improvements – Pt. Jervis Line (Passing Sidings)	\$100.00	86
	Subtotal	\$100.00	

Miscellaneous

M708-01-10	GCT Security Cameras and Expansion	\$10.40	87
M808-01-05	Program Administration	\$15.39	88
M808-01-06	Program Scope Development	\$4.00	89
	Subtotal	\$29.79	

Metro-North Railroad Total \$1,588.47

MTA BUS**Miscellaneous**

U7030215	Project Administration - 2018-2019	\$3.39	90
	Subtotal	\$3.39	

Facilities

U8030201	Standard Battery Electric Bus Buy	\$27.92	91
U8030226	Design/Engineering Management Services - 2020	\$1.92	92
	Subtotal	\$29.84	
	MTA Bus Total	\$33.23	

MTA GRAND TOTAL \$7,503.72



MTA Headquarters Procurements

Kuvershen Ayer, Chief Procurement Officer – Office of the Chief Procurement Officer

PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed estimated expenditure of \$34.3M.

Subject	Request for Authorization to Award Various Procurements				
Department	MTA Procurement				
Department Head Name	Kuvershen Ayer				
Department Head Signature					
Project Manager Name	Rose Davis				
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	03/27/23			
2	Board	03/29/23			

March 27, 2023			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
	CAO		
	Legal		
	CFO		

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval

PURPOSE

To obtain approval of the Board to award various contracts and purchase orders, and to inform the MTA Headquarters Committee of these procurement actions.

DISCUSSION

MTA Headquarters proposes to award Noncompetitive procurements in the following categories: None

MTA Headquarters proposes to award Competitive procurements in the following categories:

<u>Procurements Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 34.3 M
SUBTOTAL	1	\$ 34.3 M

MTA Headquarters proposes to award Ratifications in the following categories: None

TOTAL	1	\$ 34.3 M
--------------	----------	------------------

COMPETITIVE BIDDING REQUIREMENTS: The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

BUDGET IMPACT: The purchases/contracts will result in obligating funds in the amounts listed. Funds are available in the current operating/capital budgets for this purpose.

RECOMMENDATION: That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)

BOARD RESOLUTION

WHEREAS, in accordance with Sections 1265-a and 1209 of the Public Authorities Law and the All-Agency General Contract Procurement Guidelines, the Board authorizes the award of certain noncompetitive purchase and public work contracts, and the solicitation and award of requests for proposals regarding purchase and public work contracts; and

WHEREAS, in accordance with the All-Agency Service Contract Procurement Guidelines and General Contract Procurement Guidelines the Board authorizes the award of certain noncompetitive miscellaneous service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts, and

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All-Agency Service Contract Procurement Guidelines, the Board authorizes the award of certain service contracts and certain change orders to service contracts.

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.

2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals, and authorizes the solicitation of such proposals.

3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.

4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein and ratifies each action for which ratification is requested.

5. The Board authorizes the execution of each of the following for which Board authorization is required: (i) the miscellaneous procurement contracts set forth in Schedule E; (ii) the personal service contracts set forth in Schedule F; (iii) the miscellaneous service contracts set forth in Schedule G; (iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; (v) the contract modifications to purchase and public work contracts set forth in Schedule I; and (vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.

6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

MARCH 2023

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

H. Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services

(Staff Summaries required for items estimated to be greater than \$1,000,000.)

- | | | |
|--|---------------------|--------------------------------------|
| 1. Masabi LLC | \$34,290,724 | <i>Staff Summary Attached</i> |
| Nine years | | |
| Contract# 15590 AWO 6 | | |
| A three-year contract extension to continue administering the Mobile Ticketing Program for Long Island Rail Road and Metro North Railroad. | | |

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts
Item Number: 2

Vendor Name (Location) Masabi, LLC (New York, New York)
Description: Mobile Ticketing Program for Long Island Rail Road and Metro-North Railroad
Contract Term (including Options, if any) May 1, 2014–March 31, 2023
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Department: Stations, Phil Diaz

Contract Number 15590	AWO/Mod. # 6
Original Amount:	\$ 2,000,000
Prior Modifications:	\$ 11,675,665
Current Amount:	\$ 13,675,665
This Request:	\$34,290,724
% of This Request to Current Amount:	250.7%
% of Modifications (including This Request) to Original Amount:	2,298.3%

Discussion:

MTA Headquarters is seeking Board approval to extend a competitively negotiated miscellaneous service contract with Masabi, LLC (“Masabi”) to continue administering the Mobile Ticketing Program for Long Island Rail Road (“LIRR”) and Metro-North Railroad (“MNR”) for an additional three years (April 1, 2023–March 31, 2026) in the estimated amount of \$34,290,724 (LIRR \$17,661,648; MNR \$16,629,076).

In April 2014, the Board approved the award of a competitively negotiated miscellaneous service contract to Masabi to develop and implement a mobile ticketing program to enable railroad customers to purchase and download tickets on their mobile devices for conductors to scan and validate.

In June 2016, e-Tix, now called TrainTime, was launched. The program experienced tremendous growth and enhanced customer service with its additional convenient ticket-purchasing options. This technology facilitates onboard train ticket inspection and validation to maximize revenue collection and minimize cash and ticket handling to encourage a more sanitary environment for both the conductors and the riders.

In early 2019, the MTA launched a pilot program of its new tap-to-pay system from Cubic Transportation Systems: OMNY. This fare technology makes it easier for customers to pay fares across different modes of transit by combining payments across subways, buses, and commuter rails. Its expected rollout was planned for multiple phases through 2023. In anticipation of the 2023 OMNY rollout date, the Board approved a change order in September 2020 to extend the Masabi contract through February 2023 in the amount of \$10.2 million. A one-month contract extension was also executed to extend this contract through March 2023.

This extension is necessary as OMNY’s system rollout for MNR and LIRR, previously forecasted for 2023, is now forecasted for early 2025 by the OMNY vendor. OMNY is not expected to achieve substantial completion inclusive of the railroads until late 2025. This extension to the Masabi contract will ensure an uninterrupted passenger ticketing process during the OMNY implementation period. The Masabi contract also incorporated provisions that allow the MTA to start the transition and decommissioning process of the Masabi platform at any time prior to the expiration of this three-year extension.

For this extension, Masabi initially proposed a 1.4 percent fee per ticket value for the first two years and a 1.7 percent fee per ticket value for the third year. Through negotiations, Masabi’s final proposal is a 1.25 percent fee per ticket value for the first two years and a 1.5 percent fee per ticket value for the third year. The negotiated lower percentage fees for the three-year extension yields a total cost savings of \$3,216,393. Masabi has committed to providing the most-favored-nation pricing, which guarantees the MTA receiving best pricing among all Masabi clients using the same mobile ticketing platform.

During this extension period, Masabi will continue to (1) provide software maintenance, support, and hosting of MTA’s TrainTime application for LIRR and MNR; (2) perform backend payment processing for customers, repair system errors; (3) perform system changes, enhancements, and improvements; and (4) provide necessary data reporting for the MTA. Masabi has also committed to complete, by third quarter 2023, additional customer service enhancements including Google Pay implementation, which enables passengers to make payments using Android phones, and faster processing times for customers when purchasing tickets.

This contract has been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Any applicable cybersecurity requirements, to the extent required, will be included in the contract terms and conditions.

Masabi has certified pursuant to EO 16 that it is not doing business in Russia.

Impact on Funding

Funding is based on approved budgets (operating, capital and/or federal) for MTA Headquarters and the operating agencies and will not exceed the limits approved by the Board.

Staff Summary

Subject MTA Prompt Payment Annual Report 2022
Department Finance Tower – Financial Operations
Department Head Name Kevin Willens
Department Head Signature
Project Manager/Division Head Roy Grey-Stewart

Date March 9, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	3/27/23		x	
2	Board	3/29/23		x	

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief of Staff		

Purpose:

To report to the Board the compliance by the MTA Financial Operations, Accounts Payable unit, with the New York State Prompt Payment Legislation.

Discussion:

The Prompt Payment Legislation, implemented in April 1988 requires that the Authority must pay amounts due under its contracts within 30 days of the receipt of a proper invoice or the receipt of the goods or services, whichever is later. When payment of a proper invoice is delayed beyond the allotted time, the agency must pay interest at the rate set forth by the New York State Commission of Taxation and Finance which is currently at 10%, if such interest payment exceeds a ten dollars threshold.

Additionally, the Prompt Payment Legislation requires that the MTA issue an annual report within ninety days after each fiscal year and such report shall be filed with the State Comptroller, State Director of the Budget, the Chairman of the Senate Finance committee, and the Chairman of the Assembly Ways and Means Committee as required.

Interest payments in the amount of \$35,451 was made in 2022 for the period of January 2022 – October 2022. Interest payments in the aggregate amount of \$49,885 will be made in 2023 for the period from November 2022 through December 2022.

Enclosed is a copy of the Annual Prompt Payment Report for 2022, which will be filed by the MTA in accordance with the legislation requirement.

**MTA AND CONSTITUENT AGENCIES
ANALYSIS OF 2022 TOTAL PAYMENTS**

<u>AGENCY</u>	<u>TOTAL NUMBER OF INVOICES PAID</u>	<u>TOTAL VALUE OF INVOICES PAID</u>	<u>NUMBER OF INTEREST INVOICES PAID</u>	<u>VALUE OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</u>
LIRR	63,575	712,386,834.30	-	-	0.0000%	0.0000%
MNCRR	46,933	661,963,040.00	-	-	0.0000%	0.0000%
MTA	37,852	5,950,828,051.60	37	85,336	0.0977%	0.0014%
LIB	742	5,425,129.26	-	-	0.0000%	0.0000%
NYCTA	198,938	3,498,707,988.00	-	-	0.0000%	0.0000%
MABST	23,567	89,802,409.86	-	-	0.0000%	0.0000%
SIRTOA	1,594	14,749,071.85	-	-	0.0000%	0.0000%
BRTUN	6,656	179,050,396.20	-	-	0.0000%	0.0000%
BUS	54,209	249,848,229.60	-	-	0.0000%	0.0000%
GCMCO	1	1,357,461.55	-	-	0.0000%	0.0000%
TOTALS	434,067	11,364,118,612.22	37	85,336	0.0085%	0.000751%

**MTA AND CONSTITUENT AGENCIES
ANALYSIS OF 2021 TOTAL PAYMENTS**

<u>AGENCY</u>	<u>TOTAL NUMBER OF INVOICES PAID</u>	<u>TOTAL VALUE OF INVOICES PAID</u>	<u>NUMBER OF INTEREST INVOICES PAID</u>	<u>VALUE OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</u>
LIRR	61,702	648,374,414.60	-	-	0.0000%	0.0000%
MNCRR	43,763	638,781,497.90	-	-	0.0000%	0.0000%
MTA	33,856	4,947,635,207.30	186	362,270	0.5494%	0.0073%
LIB	824	5,787,095.90	-	-	0.0000%	0.0000%
NYCTA	187,826	3,050,595,153.00	-	-	0.0000%	0.0000%
MABST	23,061	74,186,767.12	-	-	0.0000%	0.0000%
SIRTOA	2,055	13,771,165.60	-	-	0.0000%	0.0000%
BRTUN	6,518	160,290,338.10	-	-	0.0000%	0.0000%
BUS	53,574	204,511,582.60	-	-	0.0000%	0.0000%
TOTALS	413,179	9,743,933,222.12	186	362,270	0.0450%	0.003718%

MARCH 2023
MTA REAL ESTATE
LIST OF ACTION ITEMS FOR
BOARD APPROVAL

ACTION ITEMS

METROPOLITAN TRANSPORTATION AUTHORITY

All-Agency Real Property Disposition Guidelines and All-Agency Personal Property Disposition Guidelines required by Public Authorities Law Sections 2895-289

MTA NEW YORK CITY TRANSIT

Lease with M+H Ices of Coney Island LLC / DBA Rita's of Coney Island for one retail space at Stillwell Avenue Terminal Complex, Brooklyn, NY.

Lease with the City University of New York for the temporary parking relocation of NYCT buses in Jamaica, Queens NY (Resubmission).

Amendment to the license with Swyft Vending Operations at various subway stations

MTA LONG ISLAND RAIL ROAD

Amendment of the lease with the Village of Greenport for an expanded vehicle queuing area for ferry operations in Greeport, NY

MTA METRO NORTH RAILROAD

Lease renewal with NYIP Owner II, LLC for warehouse space at 101 Executive Boulevard, Elmsford, NY

Eminent Domain resolution to acquire property interests for phase I of the Brewster Yard Improvements Project in Southeast, NY

MTA BRIDGES & TUNNELS

License agreement with Knolls Crescent in support of the Henry Hudson Bridge Kappock Street Wall Project in the Bronx, NY

License agreement with the New York City Fire Department for operation and maintenance of a fiber optic cable across the Whitestone Bridge

METROPOLITAN TRANSPORTATION AUTHORITY

Staff Summary

Subject REAL PROPERTY DISPOSITION GUIDELINES
Department REAL ESTATE / CORPORATE COMPLIANCE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name NEIL MASTROPIETRO / JULIE VASADY-KOVACS

Date MARCH 29, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	03/27/2023	X		
2	Board	03/29/2023	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		
4	Corporate Compliance		

Purpose:

To obtain MTA Board approval of (i) revised and updated MTA Real Estate Department’s Real Property Disposition Guidelines (the “2023 Real Property Disposition Guidelines”) and (ii) updated MTA’s All-Agency Guidelines for the Disposal of Personal Property (the “2023 Personal Property Disposition Guidelines”; the 2023 Real Property Disposition Guidelines and the 2023 Personal Property Disposition Guidelines, individually and collectively, as the context requires, “Guidelines”), and the appointment of the MTA staff persons designated as the Personal Property Disposition Contracting Officers listed on Attachment C, each promulgated in accordance with Section 2895-2897 of the Public Authorities Law (“PAL”).

Discussion:

Section 2896 of the Public Authorities Law, enacted in 2005, requires that public authorities annually review and approve “comprehensive guidelines” adopted by resolution that detail its “operative policy and instructions” regarding disposals of real and personal property, and designate a contracting officer responsible for complying with and enforcing the guidelines. The PAL requires each public authority’s governing board to annually review and approve its guidelines by March 31st and to file a copy of the Guidelines with the State Comptroller. The proposed 2023 Real Property Disposition Guidelines prepared by the MTA Real Estate Department are annexed as Attachment A to this Staff Summary. The proposed 2023 Personal Property Disposition Guidelines, prepared by MTA Corporate Compliance in consultation with MTA Agency procurement departments, are annexed as Attachment B to this Staff Summary. A list of the MTA staff persons designated as the Personal Property Disposition Contracting Officers is annexed as Attachment C to this staff summary. The attachments are available for review by the MTA Board members in the Director’s Desk Exhibit Book and on MTA.INFO.

Real Property Disposition Guidelines:

In March 2022, the MTA Board approved the MTA Real Estate Department’s current real property disposition guidelines, which detailed MTA Real Estate’s policies and procedures for the disposal of real property.

The proposed 2023 Real Property Disposition Guidelines (see Attachment A) are substantially the same as those approved last year except for those minor changes as shown redlined in Attachment A, most of which have been made to reflect related changes due to the Transformation and revisions to the procedures to capture Transit Oriented Development processes.

Staff Summary

FINANCE COMMITTEE MEETING PROPERTY DISPOSITION GUIDELINES (Cont'd.)

Personal Property Disposition Guidelines:

In March 2022, the MTA Board approved the current All-Agency Guidelines for the Disposal of Personal Property to provide a consistent set of personal property disposal policies and practice, across the MTA agencies.

The proposed 2023 Personal Property Disposition Guidelines (see Attachment B) have a non-substantive title change; therefore, are substantially the same as the 2022 guidelines.

Recommendation:

It is recommended that the Board adopt the resolution attached to this Staff Summary approving the 2023 Real Property Disposition Guidelines and the 2023 Personal Property Disposition Guidelines and designating the MTA and MTA agency staff members listed on Attachment C of the Personal Property Disposition Guidelines as the Contracting Officers for the MTA and MTA Agencies as the officers responsible for disposition of personal property.

MTA NEW YORK CITY TRANSIT

Staff Summary

Subject LEASE AGREEMENT WITH M+H ICES OF CONEY ISLAND LLC/DBA RITA'S OF CONEY ISLAND FOR ONE RETAIL SPACE AT STILLWELL AVENUE TERMINAL COMPLEX, BROOKLYN, NEW YORK
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name RAYMOND SMYTH

Date MARCH 29, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	03/27/2023	X		
2	Board	03/29/2023	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: MTA New York City Transit ("NYCT")
LESSEE: M+H Ices of Coney Island LLC/ DBA Rita's of Coney Island ("Rita's")
LOCATION: Stillwell Avenue Terminal Complex, Unit 16, Brooklyn, New York
ACTIVITY: Operation of a Rita's frozen ice franchise
ACTION REQUESTED: Authorization to enter into a lease agreement for the Lessee to operate a Rita's frozen ice franchise
SPACE: Approximately 650 square feet
RENT: \$257,417.11 NPV for the 10-year term, with 3% annual increases in annual compensation.

Annual Rent	Annual Rent	PSF	Escalation
Year 1	\$32,500.00	\$50.00	--
Year 2	\$33,475.00	\$51.50	3%
Year 3	\$34,479.25	\$53.05	3%
Year 4	\$35,513.37	\$54.64	3%
Year 5	\$36,578.77	\$56.28	3%
Year 6	\$37,676.13	\$57.96	3%
Year 7	\$38,806.42	\$59.70	3%
Year 8	\$39,970.61	\$61.49	3%
Year 9	\$41,169.73	\$63.34	3%
Year 10	\$42,404.82	\$65.24	3%

Staff Summary

LEASE AGREEMENT WITH M+H ICES OF CONEY ISLAND LLC/DBA RITA'S OF CONEY ISLAND FOR ONE RETAIL SPACE AT STILLWELL AVENUE TERMINAL COMPLEX, BROOKLYN, NEW YORK (Cont'd)

Page 2 of 2

COMMENTS:

Stillwell Avenue Unit 16 was publicly offered by a Request for Proposal ("RFP") in September 2022, seeking a 10 year lease term. One proposal was submitted by Mr. Howard Klotzkin and Mr. Moshe Moshel, the sole owners of M+H Ices of Coney Island LLC / DBA Rita's of Coney Island franchisee.

The partners have proposed to operate the unit as a Rita's Italian Ice & Custard franchise. Rita's has over 500 franchised locations that operate primarily in the Mid-Atlantic States. The stores sell a combination of Italian ices and frozen custard. Mr. Klotzkin and Mr. Moshel both have extensive history of owning retail businesses.

The rent proposal of \$50.00 per square foot in Lease Year 1 is equal to the fair market rental value estimated by an independent appraisal. Mr. Klotzkin's financials support performance of the proposed improvements, as well as payment of compensation for his 10-year proposal.

Based on the foregoing, MTA Real Estate is requesting authorization to enter into a lease agreement with M+H Ices of Coney Island LLC on the aforementioned terms and conditions.

Staff Summary

Subject LEASE WITH CUNY FOR TEMPORARY BUS PARKING DURING THE RECONSTRUCTION OF THE JAMAICA BUS DEPOT (RESUBMISSION)
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name RAYMOND SMYTH

Date MARCH 29, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	03/27/2023	X		
2	Board	03/29/2023	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: MTA New York City Transit (“NYCT”)
LESSOR: The City University of New York (“CUNY”)
LOCATION: 94-20 Guy R. Brewer Blvd. Jamaica, NY
ACTION REQUESTED: Approval of revised terms for temporary lease for bus parking
PREMISES: York College Site # 9 (Block 10160, Lot 1 and Block 10159, part of Lot 3)
USE: Buses parking lot at CUNY York College in support of construction at Jamaica Bus Depot
TERM: Five years plus three one-year extension options
BASE RENT: \$1,133,000.00 First year
RENT ESCALATION: 3% increase starting in the second lease year
RESTORATION: NYCT is required to restore the Premises upon lease expiration unless the Lessor waives partial or total restoration.

COMMENTS:

The January 2023 MTA Board Action Item authorizing NYCT to enter into a lease with CUNY (see attached for reference) incorrectly stated the Base Rent as \$1,000,000 annually. MTA Real Estate’s appraisal of the fair market value of the Base Rent was actually \$1,100,000 as of November 2021. However, also in January, CUNY requested a 3% annual escalation to the November 2021 appraised value to reflect the passage of time. CUNY’s escalation request is consistent with MTA’s appraisal. As such, the revised Base Rent in the lease will be \$1,133,000.00 per annum with a 3% annual rent escalation starting in the second year of the Lease. All other terms and conditions remain unchanged.

Staff Summary

Subject LEASE WITH CUNY FOR TEMPORARY BUS PARKING DURING THE RECONSTRUCTION OF THE JAMAICA BUS DEPOT
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name MICHAEL DANIELS

Date JANUARY 31, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	01/30/23	X		
2	Board	01/31/23	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: MTA New York City Transit ("NYCT")
LESSOR: The City University of New York ("CUNY")
LOCATION: 94-20 Guy R. Brewer Blvd, Jamaica, NY
ACTION REQUESTED: Approval of a temporary lease for bus parking
PREMISES: York College Site # 9 (Block 10160, Lot 1 and Block 10159, part of Lot 3)
USE: Buses parking lot at CUNY York College in support of construction at Jamaica Bus Depot
TERM: Five years plus three one-year extension options
BASE RENT: \$1,000,000.00 First year
RENT ESCALATION: 3% increase starting in the second lease year
RESTORATION: NYCT is required to restore the Premises upon lease expiration unless the Lessor waives partial or total restoration.

COMMENTS:

NYCT is planning to undertake the Jamaica Bus Depot Reconstruction Project ("the Project") to reconstruct, expand, and modernize the Jamaica Bus Depot located at 165-18 Tuskegee Airmen Way in Queens. In order to facilitate the Project, an alternative site is required for the temporary parking of buses and employee vehicles that will be displaced during the construction of the Project.

NYCT has determined that certain unimproved property located nearby on a portion of CUNY's York College campus at 94-20 Guy R. Brewer Blvd., Jamaica, New York, is suitable for such temporary bus parking, and NYCT proposes to lease the unimproved property from CUNY, provided that CUNY and NYCT can agree on all terms and conditions, including the scope of certain improvements to be made thereto by NYCT for a bus parking lot.

A rental appraisal report was ordered by MTA Real Estate that determined fair market value rent to be \$1,000,000.00 per annum with a 3% annual rent escalation starting in the second year of the Lease. NYCT has agreed to the terms and

Staff Summary

FINANCE COMMITTEE MEETING
(Cont'd.)



LEASE WITH CUNY FOR BUS PARKING DURING THE RECONSTRUCTION OF THE JAMAICA BUS DEPOT

Page 2 of 2

conditions as described above.

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease on behalf of NYCT with CUNY based on the terms and conditions described above.

FOR REFERENCE PURPOSES ONLY

Staff Summary

Subject AMENDMENT TO THE LICENSE WITH SWYFT VENDING FOR OPERATIONS AT VARIOUS NYCT STATIONS
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name RAYMOND SMYTH

Date MARCH 29, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	03/27/2023	X		
2	Board	03/29/2023	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: MTA New York City Transit ("NYCT")

LICENSEE: Swyft Inc. ("Swyft")

PREMISES: Various NYCT designated station locations within the transit system

ACTIVITY: Operation of Swyft and CVS-branded vending machines

ACTION REQUESTED: Authorization to extend pilot program master license agreement on a month-to-month basis

TERM: Month-to-month but in no event beyond May 30, 2024

RENT: Ten percent (10%) of gross sales

COMMENTS:

The MTA entered into a two (2) year license agreement dated June 1, 2019, with the Licensee in support of a pilot program for the installation of various CVS-branded vending machines at designated locations within the NYCT system. Due to the impacts of COVID-19, which ensued after license commencement, the program was extended for an additional twelve (12) months revising the license expiration date to May 30, 2022, and was used to add PPE vending to support COVID-19 initiatives. The term of the license agreement was further extended for an additional twelve (12) months revising the license expiration date to May 30, 2023 (see attached prior MTA Board approval). MTA Real Estate is issuing a vending RFP in May of 2023 that includes the locations under this license. As such, the current request is to further extend the license expiration date on a month-to-month basis, but in no event beyond May 30, 2024. This date will allow for the RFP process to be completed; the new license to be negotiated and, if need be, the removal and replacement of existing vending machines. The Licensee has agreed to continue its vending machine operations until after RFP issuance and award.

Based on the foregoing, and in the interest of preserving this customer amenity in anticipation of an upcoming vending RFP, MTA Real Estate requests authorization to enter into an amendment to the existing license agreement further extending Swyft's term on a month-to-month basis through May 30, 2024, terminable upon thirty (30) days' notice.

MTA LONG ISLAND RAIL ROAD

Staff Summary

Subject AMENDMENT OF LEASE AGREEMENT WITH THE VILLAGE OF GREENPORT
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name NEIL MASTROPIETRO

Date MARCH 29, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	03/27/2023		X	
2	Board	03/29/2023		X	

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: MTA Long Island Rail Road (“LIRR”)
LESSEE: Village of Greenport (“Village”)
LOCATION: East of 4th Street, South of Wiggins Street at the Greenport Station
LEASED AREA: Current Leased Area is approximately 108,720 square feet
 Amended Leased Area to add approximately 21,353 square feet
 Total for amended Leased Area is approximately 130,073 square feet
USE: Parking for Lessee’s employees and guests
TERM: Current Lease Agreement expiration date is June 30, 2031 remains unchanged
COMPENSATION: \$1, payment waived

COMMENTS:

The Village currently leases LIRR property at the Greenport Station, on which it operates a seaport museum, freight house, ferry queuing area and commuter parking area. The Village has received a grant from New York State Department of Transportation (NYSDOT) to renovate and reconfigure the ferry queuing area for Shelter Island’s North Ferry (the “Project”). As part of the Project additional LIRR property is required. The Village has requested the Amended Leased Area, which is situated immediately to the north of the Current Leased Area.

MTA Real Estate’s Disposition Guidelines allows for disposition of property using the lease/sale negotiation method under those circumstances permitted by Public Authorities Law Section 2897, which include, where the transferee is a government or other public entity, and the terms and conditions of the transfer require that the ownership and use of the asset will remain with the government or any public entity. Pursuant to Section 2897(6)(d) of the Public Authorities Law, an explanatory statement for the disposal by negotiation of real property owned by the LIRR will be submitted to the appropriate parties.

Based on the foregoing, MTA Real Estate requests authorization for LIRR to amend the Lease on the terms and conditions described above.

MTA METRO-NORTH RAILROAD

Staff Summary

Subject LEASE RENEWAL WITH NYIP OWNER II, LLC FOR WAREHOUSE SPACE AT 101 EXECUTIVE BOULEVARD, ELMSFORD, NEW YORK
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name ANDREW GREENBERG

Date MARCH 29, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	03/27/2023			
2	Board	03/29/2023			

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: MTA Metro-North Railroad (“Metro-North”)
LANDLORD: NYIP Owner II, LLC c/o Robert Martin Company, LLC (“Landlord”)
LOCATION: 101 Executive Boulevard, Elmsford, NY,
ACTIVITY: Short term lease renewal for warehouse/storage space
ACTION REQUESTED: Approval of terms
TERM: 5 Years
PREMISES: Entire building consisting of approximately 35,000 rentable square feet (“RSF”) and associated paved parking.

	Net Rent/RSF	Annual Net Rent
Renewal Commencement - 1 st anniversary of Commencement	\$22.50	\$787,500.00
1 st Anniversary of Commencement – 2 nd Anniversary of Commencement	\$23.00	\$805,000.00
2 nd Anniversary of Commencement – 3 rd Anniversary of Commencement	\$23.50	\$822,500.00
3 rd Anniversary of Commencement – 4 th Anniversary of Commencement	\$24.00	\$840,000.00
4 th Anniversary of Commencement – 5 th Anniversary of Commencement	\$24.50	\$857,500.00

LEASE COMMENCEMENT: August 19, 2023
RENT COMMENCEMENT: Upon Lease Commencement

Staff Summary

FINANCE COMMITTEE MEETING RENEWAL OF WAREHOUSE LEASE (Cont'd)

CANCELLATION

OPTIONS: MTA shall have rights to cancel, upon the thirty-sixth (36th) month and the forty-eighth (48th) month anniversary of the Commencement Date by providing Landlord with 12 months prior written notice in each case. If Tenant exercises any termination option, Tenant will be responsible for the unamortized portion of the brokerage commission calculated on a straight-line basis with a six percent (6%) interest factor.

REAL PROPERTY

TAXES: None. The building and parking are and will continue as an exclusive condominium tax lot and Metro-North will continue to assert its tax exempt status against the tax lot.

OPERATING

EXPENSES: In addition to monthly rent, Metro-North will remain responsible for all expenses required to operate and maintain the property and the building. Typically, these expenses are estimated at approximately \$1.80 per sq. ft. (\$63,000 annually).

ELECTRICITY: Electricity and Gas are both metered direct to the public utility (Con Edison).

LANDLORD WORK: None required.

TENANT IMPROVEMENT ALLOWANCE: None. No improvements are required.

MAINTENANCE AND

REPAIRS: Landlord to provide all required maintenance, including parking lot maintenance and roof maintenance, at Metro-North's cost and expense (actual cost without markup). Landlord will provide all structural repairs at its cost and expense which are not due to Metro-North's negligence. Landlord to provide all interior non-structural repairs at Metro-North's cost and expense but at the actual cost, without markup.

SECURITY DEPOSIT: None.

COMMENTS:

The Elmsford storage facility was originally leased to provide temporary inventory storage during construction of Building Six in Harmon Yard. It meets Metro-North's current and near-term storage space requirements and will expire August 18, 2023. When Metro-North determined that the lease needed to be extended in 2022, the Landlord was unwilling to extend the lease for a short-term. MTA Real Estate retained CBRE, its exclusive broker, to identify an alternate short term location that would provide for timely occupancy.

CBRE advised that due to national supply chain issues and the need for an August 2023 occupancy, there would be few suitable locations for consideration in the preferred geographic area so a larger radius and an extended range of square footage was used. CBRE identified 4 sites which Metro-North toured.

Site 1: 199 Ridgewood Drive, Elmsford was ruled out due to inadequate storage area and low ceiling offices.

Site 2: 1 Zeiss Drive, Thornwood, NY was ruled out due to inadequate loading and low ceilings.

Site 3: 46 Shelter Rock Road, Danbury, CT was ruled out because its location is too far from the service area.

Site 4: 425 Route 312, Brewster, was selected for further consideration as it is less costly and could potentially accommodate an August, 2023 occupancy. Metro North performed a pallet study for the Brewster site and determined that although it has high ceilings similar to the existing facility in Elmsford it was only 26,800 sf in size and it would not adequately satisfy Metro-North's warehousing/storage needs. Also, August, 2023 occupancy of the Brewster location was questionable because the building is still under construction and would require modifications.

Staff Summary

FINANCE COMMITTEE MEETING RENEWAL OF WAREHOUSE LEASE (Cont'd.)

As the site evaluations were underway, the Landlord of the existing Elmsford location expressed interest in extending the current Lease. The location in mid-Westchester is ideal for Metro-North's operations, the facility provides sufficient square footage, remaining at this location will not interrupt current operations or incur any moving, alteration or improvement costs.

The new rent of \$22.50 per square foot is higher than the current rent of \$18 per square foot. However, CBRE, has advised that based upon the building's qualities, comparable nearby lease rates for better quality buildings and a dearth of satisfactory alternatives, the negotiated rent is an appropriate rent in the current market.

Based on the foregoing, MTA Real Estate requests authorization for Metro-North to renew its current Lease on the above described terms and conditions.

Staff Summary

Subject ACQUISITION OF EASEMENTS FOR THE BREWSTER YARD IMPROVEMENTS PHASE I – SOUTHEAST PARKING & ACCESS IMPROVEMENTS PROJECT
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name XAVIER CARRERA

Date MARCH 29, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/27/2023	X		
2	Board	3/29/2023	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY/GRANTEE: MTA Metro-North Railroad (“Metro-North”)
GRANTORS: Various grantors, see attached schedule
LOCATION: 4, 10 & 15 Independent Way, Brewster NY 10509
SPACE: 2 temporary easements and 2 permanent easements (“collectively, the “Easements”)
ACTIVITY: Acquisition of the Easements through negotiated agreement or eminent domain to support a commuter parking garage and bridge project
ACTION REQUESTED: Authorization to acquire the Easements through negotiated agreement or eminent domain
COMPENSATION: To be determined separately for each Easement via appraisal as required

COMMENTS:

The Brewster Yard must be expanded and reconfigured in order to provide capacity for current and future service levels on the Harlem Line. In order to effect this expansion, the customer parking which is currently located north of the existing yard will need to be relocated with structured parking to be constructed on Metro-North owned property on the east side of the Southeast Station.

A major scope element is the relocation/replacement of the existing Southeast Station surface parking lot with a new parking garage that will be accessed via Independent Way and the new bridge over the Harlem Line. In support of the new bridge, temporary and permanent easements on portions of adjacent properties are required. The adjacent properties are owned by two private owners. The attachment to this Staff Summary lists each of the required Easements by property owner and tax lot.

The MTA will endeavor to acquire all Easements for the project through negotiated agreements. However, should the MTA be unable to reach agreement with any of the property owners, the Easements will need to be acquired via eminent domain. Thus, Board approval is being sought for the MTA to begin taking steps to satisfy the requirements of the Eminent Domain Procedure Law in order to preserve the MTA’s rights, lessen the potential for future delays to the Project and ensure the timely acquisition of the Easements. If a negotiated agreement to acquire any of the Easements is

ACQUISITION OF EASEMENTS FOR THE BREWSTER YARD IMPROVEMENTS PHASE I – SOUTHEAST PARKING & ACCESS IMPROVEMENTS PROJECT (Cont'd)

Page 2 of 4

reached prior to the filing of condemnation papers with the court, the terms of any such agreement will be presented to the Finance Committee and MTA Board for further approval.

Based on the foregoing, MTA Real Estate requests authorization to proceed with the acquisition, by negotiated agreement or condemnation, of the noted Easements, on the above-described terms and conditions.

ACQUISITION OF EASEMENTS FOR THE BREWSTER YARD IMPROVEMENTS PHASE I – SOUTHEAST PARKING & ACCESS IMPROVEMENTS PROJECT (Cont'd)

Page 3 of 4

BOARD RESOLUTION

WHEREAS, the MTA is seeking to acquire two temporary easements and two permanent easements at 4, 10 & 15 Independent Way, Brewster NY 10509 (the "Easements") through negotiated agreement or eminent domain for the completion of the Brewster Yard Improvements – Phase I Southeast Parking & Access Improvements Project (the "Project"), as more particularly set forth on the attachment to this Resolution;; and

WHEREAS, the MTA will endeavor to acquire the Easements through mutually negotiated agreements with the affected property owners and tenants, but to preserve MTA's rights and lessen the potential for future delays to the project if agreements cannot be negotiated in a timely manner, MTA must take preliminary steps under the Eminent Domain Procedure Law to secure the Easements needed for the Project;

NOW THEREFORE, BE IT RESOLVED that in accordance with the Eminent Domain Procedure Law and Section 1267 of the Public Authorities Law, the Chairman or designated staff member of the Authority is authorized to proceed with the acquisition of temporary and permanent easements in the properties described, through negotiated agreements or eminent domain, and to schedule and undertake such preliminary steps, including holding a public hearing, as may be required under the Eminent Domain Procedure Law, in connection with these acquisitions.

BE IT FURTHER RESOLVED, that the proposed acquisitions will be subject to prior, satisfactory completion of any required environmental reviews.

See attachment for list of properties.

This resolution shall take effect immediately upon its adoption.

Staff Summary – Attachment



ACQUISITION OF EASEMENTS FOR THE BREWSTER YARD IMPROVEMENTS PHASE I – SOUTHEAST PARKING & ACCESS IMPROVEMENTS PROJECT (Cont'd)

<u>Section</u>	<u>Block</u>	<u>Lot</u>	<u>Reputed Owner/Grantor</u>	<u>Easement Size</u>	<u>Type of Interest</u>	<u>Duration</u>
56.00	1	28.2	Tyndall, 15 Independent Way LLC	9,125 SF	Temporary	TBD
56.00	1	28.2	Tyndall, 15 Independent Way LLC	17,208 SF	Permanent	n/a
56.00	1	24	W.B. New York, LLC	1,100 SF	Permanent	n/a
56.00	1	24 & 25	W.B. New York, LLC	5,174 SF	Temporary	TBD

**MTA
BRIDGES
&
TUNNELS**

Staff Summary

Subject LICENSE AGREEMENT FOR SUBSURFACE TIEBACK ANCHORS REQUIRED IN CONNECTION WITH KAPPOCK WALL PROJECT
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name JASON ORTIZ

Date MARCH 29, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	03/27/2023	X		
2	Board	03/29/2023	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: MTA Bridges & Tunnels (“MTA B&T”)
LICENSOR: Knolls Cooperative (“Knolls”)
LOCATION: Retaining wall located along the Henry Hudson Parkway, adjacent to 60-80 Knolls Crescent, Bronx, NY 10463
ACTIVITY: Perpetual License Agreement on Licensor’s adjacent property allowing MTA B&T to install and maintain the retaining wall and subsurface tieback anchors extending from the wall into Licensor’s property
ACTION REQUESTED: Authorization to enter into License Agreement with Knolls Cooperative
COMPENSATION: Reimbursement of Licensor’s legal and engineering costs not to exceed \$20,000

COMMENTS:

In connection with the Kappock retaining wall project, MTA B&T must install a series of subsurface tieback anchors from the Kappock retaining wall into the adjacent property. The adjacent property, 60-80 Knolls Crescent in the Bronx, is owned by Knolls Cooperative (“Licensor”).

Through preliminary discussions between MTA Real Estate, MTA Legal, MTA’s outside counsel, and Licensor’s attorney, Licensor agreed to grant a perpetual License Agreement (“Agreement”) to facilitate the installation of the tieback anchors.

No direct compensation is requested by Licensor, however Licensor requests reimbursement of legal and engineering fees incurred in connection with this project. Licensor’s attorney submitted invoices totaling \$19,467.50, which were reviewed by MTA Legal and MTA’s outside counsel and determined to be fair and reasonable based on the scope of negotiations.

Based on the foregoing, MTA Real Estate is requesting authorization for MTA B&T to enter into the License Agreement with Knolls Cooperative on the above terms and conditions.

Staff Summary

Subject LICENSE AGREEMENT WITH THE FIRE DEPARTMENT OF NEW YORK CITY FOR OPERATION AND MAINTENANCE OF FIBER OPTIC CABLE
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name MARLON HOLFORD

Date MARCH 29, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	03/27/2023	X		
2	Board	03/29/2023	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: MTA Bridges & Tunnels (“MTA B&T”)
LICENSEE: Fire Department of New York (“FDNY”)
LOCATION: Whitestone Bridge
ACTIVITY: Operation and maintenance of one 3-inch rigid galvanized conduit, approximately 6,500 linear feet, with three fiber mesh innerducts, one of which contains one 432-strand fiber optic telecommunications cable for FDNY use.
ACTION REQUESTED: Authorization to enter into a non-exclusive fiber optic license agreement with FDNY (the “License Agreement”), to occupy space to operate and maintain a fiber optic cable facility.
COMPENSATION: In kind compensation whereby MTA B&T may either utilize two remaining inner ducts for its own purposes or to generate revenue through sub-licensing
TERM: 20 years, with 1 additional 10-year renewal

COMMENTS:

MTA B&T and FDNY (the “Parties”), propose to enter into the License Agreement for use and occupancy by the FDNY of a portion of the Whitestone Bridge in order to permit, FDNY to operate and maintain a Fiber Optic Cable Facility (“FOF”) supporting FDNY’s communications systems.

MTA B&T currently has an ongoing construction project (the “MTA B&T Project”) on the Whitestone Bridge. The Parties have identified aspects of the work to construct the FOF and the MTA B&T Project that, if carried out concurrently, would minimize lane closures on the Whitestone Bridge and eliminate redundancies of resources, reducing inconvenience to drivers and costs for both Parties; further, incorporating the FOF work into the MTA B&T Project will allow earlier completion and utilization of the FOF that supports critical public safety functions. Such incorporation was approved by the Board in September 2022 (see attached).

In accordance with MTA Real Estate Licensing Procedures, Circumstance No. 5 allows a license for fiber optic or other pole pipe or wire agreements where occupancy will be non-exclusive, subject to MTA Board approval, without utilizing a request for proposals process.

Staff Summary

LICENSE AGREEMENT WITH THE FIRE DEPARTMENT OF NEW YORK CITY FOR OPERATION AND MAINTENANCE OF FIBER OPTIC CABLE

Based on the foregoing, MTA Real Estate is requesting authorization for MTA B&T to enter into the License Agreement with the FDNY based on the terms described above.

Dept & Dept Head Name: B&T Business Unit, Joe Keane, PE, Sr. VP and Chief Engineer					
Contracts Department: David K. Cannon, Vice President					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	12/19/22			
2	Board	12/21/22			
Internal Approvals					
Order	Approval	Order	Approval		
	Deputy Chief, Development		President		
	Deputy Chief, Delivery		Executive VP & General Counsel		

SUMMARY INFORMATION	
Vendor Name	Contract Number
Hellman/PJS JV	BW-96/VN-12
Description Design-Build Services for Power Redundancy and Resiliency Improvements at the Bronx-Whitestone and Verrazzano Narrows Bridges	
Total Amount	
1. Design-Build Contract:	\$78,737,231
2. Stipend Payments:	\$ 225,000
Contract Term	
Two Years and Ten Months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other	

Purpose/Recommendation

MTA Construction & Development ("C&D") requests Board approval to award a publicly advertised and competitively solicited contract to Hellman/PJS JV (a joint venture consisting of Hellman Electric, LLC and Paul J. Scariano, Inc.) for design-build services to provide power redundancy and resiliency improvements at the Bronx-Whitestone Bridge ("BWB") and Verrazzano-Narrows Bridge ("VNB") in the amount of \$78,737,231 and a duration of two years and ten months. In accordance with MTA policy regarding the use of design-build contracts, and to enhance competition and defray proposal costs, this solicitation includes a stipend in the amount of \$75,000 to be paid to each unsuccessful proposer whose proposal met defined proposal standards. Accordingly, approval is also requested to pay stipends totaling \$225,000 to the three unsuccessful proposers.

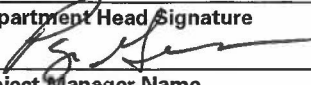
Discussion

The work under this contract (the "Contract") includes design-build services for (i) the replacement of existing outdated heating, air conditioning and sewer systems at the BWB and VNB facilities; ii) new electronic power monitoring and lane control systems and electric substation upgrades at the VNB; and (iii) installation of new fiber optic cable and associated underdeck conduit for use by the New York City Fire Department ("FDNY") at the BWB. The cost of the fiber optic cable and conduit work will be funded by FDNY.

A two-step procurement process was conducted for the Contract. In Step 1, a Request for Qualifications was advertised resulting in the submission of eight Statements of Qualifications, which were evaluated against pre-established selection criteria addressing record of performance for the design-build team, technical and managerial capacity and legal structure, as well as contractor responsibility. The following four firms were selected to receive the Request for Proposal ("RFP") in Step 2:

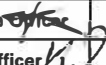


- E-J Electric Installation Co. ("E-J")
- Hellman/PJS JV ("Hellman/PJS")
- TAP Electrical Contracting Service, Inc. ("TAP")
- TC Electric, LLC ("TCE")

Staff Summary

Subject All Agency General Contract Procurement Guidelines and All Agency Service Contract Procurement Guidelines
Department MTA Office of the General Counsel
Department Head Name Paige A. Graves
Department Head Signature 
Project Manager Name Paige A. Graves

Date March 27, 2023
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref # N/A

Board Action					
Order	To	Date	Approval	Info	Other
	Governance	03/27/23	x		
	Board	03/29/23	x		

Internal Approvals			
Order	Approval	Order	Approval
1	Chief Procurement Officer	4	Chief Administrative Officer
2	Chief Compliance Officer 	5	Chief of Staff 
3	Chief Financial Officer 		

Purpose:

To obtain Board approval of the MTA’s revised All Agency General Contract Procurement Guidelines and revised All Agency Service Contract Procurement Guidelines (collectively, the “Guidelines”).

Discussion:

The Guidelines were last substantively revised and approved by the Board at its June 29, 2022, meeting.

The MTA Construction & Development Contracts Department and the MTA Procurement Department, in consultation with MTA Legal, have reviewed the Guidelines and made the changes in the attached revised All Agency General Contract Procurement Guidelines, annexed as Attachment 1. No changes are proposed to the All Agency Service Contract Procurement Guidelines, annexed as Attachment 2. The changes are intended to promote efficiency by reducing unnecessary notifications and streamlining the procurement and management of contracts. The proposed changes are:

1. Exclude Small Business Mentor Program (“SBMP”) contracts from the requirement in Article VIII.D to notify the Finance Committee Chair about change orders that increase the total contract price by more than ten percent of the original value or increase the contract duration by more than ten percent of the original contract duration. Article VIII.D was intended to provide notice to the Chair of the Finance Committee of significant changes to MTA contracts that would not otherwise be brought to the attention of the Board. The SBMP contracts are typically lower dollar and shorter duration contracts, created in an effort to mentor small businesses on doing business with the MTA with the goal of having them ultimately competing for MTA work. Because of the low dollar amount and short duration of these contracts, relatively minor changes trigger the notice requirement. Indeed, approximately one third of the required notifications to the Finance Committee Chair are for SBMP contracts, which was not the intent of the provision. This change will exclude the SBMP contracts from this reporting requirement.
2. Modify the requirement in Article XII.J.3 to use a contracting approach that considers factors other than just price (e.g., competitive RFP or A+B bidding) in selecting a contractor to apply only where practicable. This will allow some flexibility to use traditional low price sealed bids for appropriate

contracts, such as those where schedule and other factors are outside of the Contractor's control.

3. A typographical error was corrected in the definition of Miscellaneous Procurement Contracts in Article I.

The revised Guidelines, once approved, will be implemented by the agencies, as required.

Recommendation:

It is recommended that the Board approve the annexed resolution and the attached revised All Agency General Contract Procurement Guidelines and revised All Agency Service Contract Procurement Guidelines.

BOARD RESOLUTION

WHEREAS, pursuant to Public Authorities Law Section 2879, the Board must approve the All Agency General Contract Procurement Guidelines and All Agency Service Contract Procurement Guidelines (collectively, the “Guidelines”) on an annual basis;

WHEREAS, the Board approved the last revisions to the Guidelines in June 2022; and

WHEREAS, certain revisions have been proposed in the interest of efficiency;

NOW, THEREFORE, BE IT RESOLVED, that the BOARD acting as the Board of each agency of the MTA, adopts the attached Guidelines, which shall supersede the All Agency General Contract Procurement Guidelines and All Agency Service Contract Procurement Guidelines previously adopted by the Board in June 2022.

Staff Summary

Subject Revisions to MTA Codes of Ethics
Department Corporate Compliance
Department Head Name Lamond W. Kearsse, Chief Compliance Officer
Department Head Signature
Project Manager Name Lamond W. Kearsse

Date March 29, 2023
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref # N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	Governance	3/27/23	X		
2	Board	3/29/23	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Corporate Compliance		
2	Legal		
3	Labor & Employment Rel.		

Purpose:

To obtain Board authorization for proposed amendments to the existing MTA All Agency Code of Ethics and the MTA Board Members Code of Ethics as indicated in this staff summary.

Discussion:

These proposed revisions to the MTA All Agency Code of Ethics and the MTA Board Members Code of Ethics are to ensure compliance with the Ethics Commission Reform Act of 2022, to reflect changes resulting from MTA transformation and to strengthen the MTA Codes of Ethics.

Both the MTA All-Agency Code of Ethics as well as the MTA Board Member Code of Ethics contain mostly non substantive changes, including changing the name of the Joint Commission on Public Ethics to the Commission on Ethics and Lobbying in Government,

Among the substantive changes to the All-Agency Code of Ethics are (1) streamlining and consolidating MTA ethics program by centralizing Agencies' Ethics Officer functions under Corporate Compliance, (2) providing definition of what constitutes an outside activity requiring approval, and (3) strengthening the monitoring and detecting of conflict of interest by requiring ongoing conflict of interest disclosure and certification.

Alternative:

Not to adopt the revised Codes of Ethics. This alternative is not recommended because these changes will ensure compliance with the Ethics Commission Reform Act of 2022.

Recommendation:

It is recommended that the Board adopt the revised MTA All Agency Code of Ethics and the MTA Board Members Code of Ethics as indicated in this staff summary.

BOARD RESOLUTION

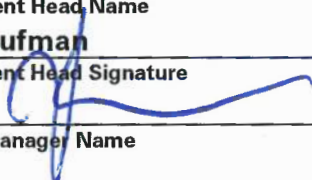
WHEREAS, pursuant to Public Authorities Law Section 2824, the Board must adopt the MTA All-Agency and MTA Board Member Codes of Ethics (“Codes”);

WHEREAS, the Board last reviewed the Codes of Ethics in November 29, 2022; and

WHEREAS, certain revisions have been proposed in the interest of compliance and efficiency;

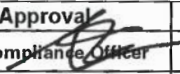
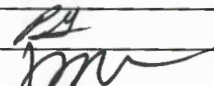
NOW, THEREFORE, BE IT RESOLVED, that the BOARD acting as the Board of each agency of the MTA, adopts the attached Codes, which shall supersede the current Codes adopted by the Board.

Staff Summary

Subject Mission Statement, Measurements, and Performance Indicators Report
Department Chief Strategic Initiatives
Department Head Name Jon Kaufman
Department Head Signature 
Project Manager Name N/A

Date March 29, 2023
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
	Corporate Governance	3/27/23			
	Board	3/29/23			

Internal Approvals			
Order	Approval	Order	Approval
1	Chief Compliance Officer 		
2	Legal		
3	External Relations		

Purpose:

To obtain Board approval of the MTA's Mission Statement and to authorize submission of the annexed 2022 Mission Statement, Measurements, and Performance Indicators Report (the "Report") to the Independent Authorities Budget Office ("ABO").

Discussion:

Section 1269-f and Section 2824-a of the Public Authorities Law require MTA to annually reexamine its mission statement, reassess its stakeholders and selected performance measurement indicators, and to submit a report based on the performance indicator results from the previous year.

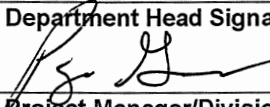
The MTA and its Board engage in oversight of agency operating performance throughout the year. The Board, through its transit, rail and bridge/tunnel operating committees, closely monitors agency operating performance. Each operating agency reports its most recent performance data in posted monthly reports and in committee books distributed in advance of public MTA operating committee meetings, which are conducted at least eleven times a year. At these public meetings, operating agency results are reviewed and discussed by Board members and agency senior staff. In addition, presentations focused on particular areas of performance are made by the agency staff to the Board operating committees periodically through the year, in accordance with the work plan schedule of each operating committee. The MTA website also contains a "Performance Dashboard" for each of the MTA operating agencies, updated monthly, summarizing the agencies' leading performance measurements.

The Report compiles the MTA Mission Statement, Stakeholder Assessment and the performance measurements from 2022. The operating agencies have each submitted, within the Report, a summary that evaluates agency performance on the applicable indicators in the past year.

Recommendation:

It is recommended that the MTA Board approve the annexed Report and authorize submission of such Report as required by Section 1269-f and Section 2824-a of the Public Authorities Law to the ABO.

Staff Summary

Subject All Agencies – Revision to Rules of Conduct
Department Legal
Department Head Name Paige Graves
Department Head Signature 
Project Manager/Division Head Theresa Murphy

Date March 29, 2023
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref # N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	Governance	3/27/23			
2	Board	3/29/23			

Internal Approvals					
Order	To	Date	Approval	Info	Other
1	Corporate Compliance	3.29.23			

Purpose:

To obtain Board approval for the permanent adoption of the revision to the New York City Transit Authority (“NYCTA”), Manhattan and Bronx Operating Authority (“MaBSTOA”), MTA Bus Company (“MTA Bus”), Staten Island Rapid Transit Operating Authority (“SIRTOA”), Long Island Rail Road Company (“LIRR”) and Metro-North Railroad Company (“MNR”) rules governing the possession of firearms or other weapons in or on any facility, conveyance, terminal, station or train (“firearm rules”).

Discussion and Background:

In June 2022 at the request of the Governor of New York there was a change to the New York State Penal Law concerning the right to carry or possess a firearm in certain areas of New York City. To ensure the safety of the public and compliance with the new Penal Law provisions, NYCTA, MaBSTOA, MTA Bus, SIRTOA, LIRR and MNR each submitted a Notice of Emergency Adoption and Proposed Rule Making in accordance with the requirements of the New York State Administrative Procedures Act (“SAPA”). Those Notices sought the immediate temporary adoption of the firearm rules and the requisite publication of the firearm rules in the New York State Register.

The revised firearm rules prohibit the carrying of firearms or other weapons (as the term is used in the New York State Penal Code) in or on any facility, conveyance, terminal, station, or train except as permitted by law.

No public comments or objections to the firearm rules have been received since they were published in December 2022 in accordance with the SAPA requirements.

Recommendation:

That the Board execute the Resolution attached as Attachment A, which approves each of the firearm rules in their current form and allowing for their permanent adoption. A copy of the firearm rules for each entity are included in Attachment A.

BOARD RESOLUTION

WHEREAS, pursuant to Sections 1204(5-a), 1266(4) and 1266(5) of the Public Authorities Law, on November 28, 2022, New York City Transit Authority (“NYCTA”), Manhattan and Bronx Operating Authority (“MaBSTOA”), MTA Bus Company (“MTA Bus”), Staten Island Rapid Transit Operating Authority (“SIRTOA”), Long Island Rail Road Company (“LIRR”) and Metro-North Railroad Company (“MNR”) each properly and duly filed a Notice of Emergency Adoption and Proposed Rule Making, seeking to publish and temporarily adopt a revision to each entity’s rules of conduct governing the possession of firearms or other weapons in or on any facility, conveyance, terminal, station or train (“firearm rules”), a copy of which are attached to this Resolution as Exhibit A;

WHEREAS, the revisions to the firearm rules were published in Issue 50 of the New York State Register on December 14, 2022;

WHEREAS, the public comment period has since elapsed and no public comments or objections to the published firearm rules has been received; and

WHEREAS, NYCTA, MaBSTOA, MTA Bus, SIRTOA, LIRR and MNR now seek for the MTA Board to approve and authorize the adoption of the revised firearm rules for permanent use by each entity.

NOW, upon motion duly made and seconded, the Board hereby resolves that the firearm rules are approved and adopted for permanent use by NYCTA, MaBSTOA, MTA Bus, SIRTOA, LIRR and MNR.

Dated: New York, New York
March 29, 2023